

that the weaker his arguments, the louder the volume. He exceeded all my expectations today.

My Democratic friends have a number of amendments that will be coming up for votes shortly. As I have pointed out this week, we will be considering the reauthorization of the Elementary and Secondary Education Act this Congress. The Committee on Health, Education, Labor, and Pensions has already held several hearings on the ESEA, and many more are in the works. I will oppose all amendments that are relevant to the Elementary and Secondary Education Act. I will do this, not because I am callous to these issues, in fact, I've championed them, but because these amendments should be discussed in the normal committee process. I will, however, support amendments that are designed to let local educators direct more money to special education. The reauthorization of special ed occurred last year, and it is open to have more money. The amendment I introduced on behalf of Senator LOTT and others will provide local communities with a choice regarding how much they will use their share of the \$1.2 billion included in last year's omnibus appropriations bill for education.

Under our amendments, a school system may use the funds either to hire teachers or to support activities under the Individuals with Disabilities Education Act. What fairer system can you have under the circumstances? That is all we are doing. We are saying give them an option, give the locals an option: More teachers or more money for special ed. Our amendment will permit local school officials themselves to decide whether they need more money to educate children with disabilities or whether they need funds to hire more teachers.

In Vermont, I am betting the funds will be used for IDEA. Time and again, Vermonters have made clear to me that special education funding is far and away the most pressing need of our communities. And time and again, Vermonters have pressed me to find out whether the Federal Government will honor its promise to pay 40 percent of the costs of special education. We are fortunate in Vermont to have already achieved the small class sizes which the President is trying to promote with his teacher hiring program. We do not need more. We need more money for special ed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has 24 seconds.

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

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the concurrent resolution.

Mr. KENNEDY. Is it appropriate or is it in order to ask for the yeas and nays

on all of the amendments this afternoon? I ask unanimous consent that it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Is there an objection to the Senator's request? Without objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second on the amendments en bloc?

There appears to be a sufficient second.

The yeas and nays were ordered en bloc.

CONGRESSIONAL OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on Senate Concurrent Resolution 5.

The clerk will report the concurrent resolution.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 5) expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. On this question, the yeas and nays were ordered. 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 desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—98

Abraham	Dodd	Kennedy
Akaka	Domenici	Kerrey
Allard	Dorgan	Kerry
Ashcroft	Durbin	Kohl
Baucus	Edwards	Kyl
Bayh	Enzi	Landrieu
Bennett	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Fitzgerald	Levin
Bond	Frist	Lieberman
Boxer	Gorton	Lincoln
Breaux	Graham	Lott
Brownback	Gramm	Lugar
Bryan	Grams	Mack
Bunning	Grassley	McCain
Burns	Gregg	McConnell
Campbell	Hagel	Mikulski
Chafee	Harkin	Moynihan
Cleland	Hatch	Murkowski
Cochran	Helms	Nickles
Collins	Hollings	Reed
Conrad	Hutchinson	Reid
Coverdell	Hutchinson	Robb
Craig	Inhofe	Roberts
Crapo	Inouye	Rockefeller
Daschle	Jeffords	Roth
DeWine	Johnson	Santorum

Sarbanes	Snowe	Torricelli
Schumer	Specter	Voinovich
Sessions	Stevens	Warner
Shelby	Thomas	Wellstone
Smith (NH)	Thompson	Wyden
Smith (OR)	Thurmond	

NAYS—1

Byrd

NOT VOTING—1

Murray

The concurrent resolution (S. Con. Res. 5) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 5

Whereas at the heart of the Oslo peace process lies the basic, irrevocable commitment made by Palestinian Chairman Yasir Arafat that, in his words, "all outstanding issues relating to permanent status will be resolved through negotiations";

Whereas resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict;

Whereas a declaration of statehood by the Palestinians outside the framework of negotiations would, therefore, constitute a most fundamental violation of the Oslo process;

Whereas Yasir Arafat and other Palestinian leaders have repeatedly threatened to declare unilaterally the establishment of a Palestinian state;

Whereas the unilateral declaration of a Palestinian state would introduce a dramatically destabilizing element into the Middle East, risking Israeli countermeasures, a quick descent into violence, and an end to the entire peace process; and

Whereas in light of continuing statements by Palestinian leaders, United States opposition to any unilateral Palestinian declaration of statehood should be made clear and unambiguous: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority;

(2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition; and

(3) the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian State, making clear that such a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Senate continued with consideration of the bill.

AMENDMENT NO. 60

The PRESIDING OFFICER. The question is on amendment No. 60 offered by Senator JEFFORDS for the majority leader. There is 5 minutes of debate equally divided. Who yields time?

Mr. JEFFORDS. It is my understanding the yeas and nays have already been ordered on all of these amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. JEFFORDS. I yield myself 2½ minutes.

Mr. President, I urge a “yes” vote on this amendment for your local school districts. This is the most important amendment you will have this afternoon. I emphasize that this is extremely important for your local school districts.

The pending amendment would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act. It would allow any local educational agency the choice of using its share of the \$1.2 billion provided under those provisions either to hire teachers or to carry out activities under part B of the Individuals with Disabilities Education Act, IDEA.

We reauthorized IDEA last year, and this is the perfect time to do this. Local school officials would have the opportunity to determine which of these two activities is a greater need for their schools, and to spend the additional funds accordingly.

In addition, the amendment contains a finding that reemphasizes a simple fact—full funding of IDEA would offer LEAs the flexibility in their budgets to develop class size reduction, or other programs that best meet the needs of their communities.

I believe this approach offers a good middle ground. It is a compromise between those of us who are urging we live up to our promises, with respect to IDEA funding, and those who believe we should undertake a massive new effort to hire teachers for local schools.

I urge all of my colleagues to support this amendment. I think it ought to be unanimous.

Mr. KENNEDY. Mr. President, last year we made a bipartisan agreement to support the hiring of additional teachers. We had a \$500 million increase in IDEA and \$1 billion increase in terms of the teachers, including special needs teachers.

Communities need funds both for IDEA and smaller classes—and for other top priorities too. We can reduce class size and give children with disabilities a better education. There is no reason to choose one or the other—both are priorities and both can be met.

Every local community in this country is trying to decide whether they are going to hire additional teachers within the next few weeks. If we say now we are going to accept the Lott amendment, you are emasculating this particular provision, which the local communities have been basing their judgment on, and saying, no, that isn't what you are going to do, you are going to have to come up with a new kind of a program.

If we make a commitment to a local community that permitted them to

hire general teachers or special needs teachers, I daresay one of the principal reasons that the special needs community supported this amendment last year was because we added that specific provision. We are saying let us, let the local communities live out the bipartisan commitment that we made to them 5 months ago. They can make that local judgment depending upon the needs of the community.

How can you have greater flexibility than that—rather than overturn the whole proposal that was out there and dump this on the school committees that are all finalizing their budgets in the next few weeks?

I hope that the amendment would not be accepted.

The PRESIDING OFFICER. The Senator from Vermont has 1 minute 9 seconds.

Mr. JEFFORDS. I reiterate what I said before. If you want flexibility, vote yes. This amendment gives the local communities total flexibility to meet the needs they have. If you want to limit them down to one thing, hiring new teachers, vote no.

All of our schools want total flexibility, especially in order to have money for special education. We have promised them 40 percent, but have given them 11 percent. We are the cause of the terrible problems local schools have in trying to do what they can to improve their school systems.

I urge a “yes” vote.

Mr. KENNEDY. This is the language:

... to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement of both regular and special needs children.

That is defined as “providing professional development to teachers, including special education teachers and teachers of special-needs children. . . .” We already have it. The local school communities are committed to making their own judgment and decision. Why are we turning that all over, Mr. President, now in the final hours of this? It makes absolutely no sense whatsoever. The special needs community supported that amendment last year.

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

The PRESIDING OFFICER (Mr. ENZI). Does the Senator yield his time?

Mr. JEFFORDS. I yield back my time.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll to determine the absence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 5]

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voivovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

The PRESIDING OFFICER (Mr. VOINOVICH). A quorum is present.

Mr. KENNEDY. I move to table the Lott amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President—

Mr. KENNEDY. Mr. President, I made a motion to table, and I asked for the yeas and nays. It is not debatable. I asked for the yeas and nays on the motion to table. I made a motion to table, and I have asked for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The motion has been made to table.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from Mississippi. On this question, the yeas and nays have been ordered, and 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 (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—38

Akaka	Durbin	Kerry
Baucus	Edwards	Kohl
Bayh	Feingold	Landrieu
Biden	Feinstein	Lautenberg
Bingaman	Graham	Levin
Boxer	Harkin	Lieberman
Bryan	Hollings	Lincoln
Cleland	Inouye	Mikulski
Daschle	Kennedy	Moynihan
Dodd	Kerrey	Reed

Reid	Sarbanes	Wellstone	Reed	Rockefeller	Torrice
Robb	Schumer	Wyden	Reid	Sarbanes	Wellstone
Rockefeller	Torrice		Robb	Schumer	Wyden

NAYS—61

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

NOT VOTING—1

Murray

The motion to lay on the table amendment No. 60 was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 60.

The yeas and nays have been ordered.

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 result was announced, yeas 60, nays 39, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—60

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

NAYS—39

Akaka	Dodd	Kerrey
Baucus	Durbin	Kerry
Bayh	Edwards	Kohl
Biden	Feingold	Landrieu
Bingaman	Feinstein	Lautenberg
Boxer	Graham	Levin
Breaux	Harkin	Lieberman
Bryan	Hollings	Lincoln
Cleland	Inouye	Mikulski
Daschle	Kennedy	Moynihan

NOT VOTING—1

Murray

The amendment (No. 60) was agreed to.

AMENDMENT NO. 64

The PRESIDING OFFICER. Under the prior order, we are now on amendment No. 64. There are 5 minutes equally divided.

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

Mr. JEFFORDS. Am I correct that the 5 minutes is for debate only?

The PRESIDING OFFICER. That is correct, the 5 minutes is for debate only. It is equally divided.

Who yields time? The 5 minutes is equally divided.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is the Murray amendment. Senator MURRAY is not here today, due to a death in the family, otherwise, she would be making the presentation at this particular time.

Basically, the Murray amendment builds on what was agreed to in the budget last October by providing 6 years of funding. It gives certainty to school boards all across the country that we are making a national commitment to see smaller class size in schools all across the Nation.

In the President's budget, there is \$11 billion that is effectively allocated for this particular purpose. It follows the pattern that was agreed to last year that states if a particular district has already achieved 18 students, they can use the funds for professional enhancement or for special needs children. That is why it has the support of the special education community.

This amendment has the wholehearted support of all the school boards, of all the parent-teacher organizations, of the school teachers and local authorities across the Nation. It is a major national effort to try to get smaller class sizes.

We are going to need 2 million teachers over the next 10 years. This is only going to provide 100,000, but it will make sure that they are well-qualified teachers. It will place support the early grades, which ought to be our priority. I hope it will be accepted.

It also includes, Mr. President, the sense of the Senate that the budget resolution shall include an annual increase for the IDEA part B and funding so that the program can be fully funded within the next 5 years. So, we are committed to that as well. And it also says these increases shall not come at the expense of the other education programs.

If you support this amendment, you are also supporting a commitment to

fund the IDEA over the period of the next 5 years.

I withhold the remainder of my time. The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will not support the amendment offered by my colleagues from Washington and Massachusetts.

First and foremost, the 100,000 teacher proposal is flawed. It puts quantity over quality. There is little or no emphasis on improving teacher quality in the proposal. Yet, the research shows with certainty that the quality of the teacher leading the class is significantly more important than the size of the class.

Furthermore, adopting a new, untested, multi-billion dollar program without hearings or local input is no way to make good public policy. We have begun the process of reauthorizing the Elementary and Secondary Education Act, and we should examine this proposal during consideration of that bill. I give my assurance to my friends on the other side of the aisle that I intend to fully examine this question. But the proper way to do it is under the orderly committee process. We are in the middle of that right now. We have begun the process of reauthorizing the Elementary and Secondary Education Act, and this issue should be appropriately addressed during this process.

So I inform my colleagues that I will, at the time of the vote, move to table the amendment.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I am pleased to join with my colleagues Senator MURRAY, Senator KENNEDY and others in introducing this Class Size Reduction amendment, which builds on last years successful effort towards reducing class sizes in grades 1-3 to 18 or fewer students nationwide. Last year, President Clinton proposed this historic initiative and Congress approved a down payment on this request last year, providing a \$1.2 billion appropriation to help communities hire approximately 30,000 teachers nationwide.

Under the initiative enacted into law last year, school districts will begin to receive funding this July 1 in order to hire teachers to begin reducing class size this fall. While last year's appropriation provided an important start on this seven year initiative, the amendment before us gives us a chance to support effective local planning by giving school districts the confidence they need that funding will be available under this initiative for future years.

The average U.S. class size is 24 students with some as high as 30 students per class. A consensus of research indicates that students attending small classes in the early grades make more rapid educational progress than students in larger classes and that those achievement gains persist through at

least the middle grades. More specifically, class size reduction leads to enhanced teacher-student quality relationships, higher student achievement, solid foundation for further student learning, and the ability of students to read independently by the end of the 3rd grade.

Mr. President, there are 3,750 schools in my state of Michigan. Some of these schools have been fortunate enough to reduce some of their classes in the early grades. Last month, I visited about a dozen of them, witnessing first hand the benefits of smaller classes. I also visited several of the numerous schools in my state that are disadvantaged by large class sizes. For example, at the Calvin Britain Elementary School in Benton Harbor, where the student to teacher ratio is higher than the national average, teachers worry that they are not able to identify their students' learning needs. When I asked 2nd grade teacher Louise Hufnagel what it would mean to reduce her class of 26 down to 17 or 18, she said, "It would make a world of difference. A lot of the children have special needs and it would make it easier to give them the individual attention they need."

At East Leonard Elementary School in Grand Rapids, principal Tina Barwacz said she is convinced that lower class size improves academic performance. Teachers there are now giving more personalized attention to their students because their classes are smaller. Third grade teacher Dan Mayhew, with 17 students this year down from 23 last year, says that now he can get to each student more often and make sure the individual masters the standards and the core curriculum. Another third grade teacher, Sharon Uminski, with 17 students this year, down from 28 last year, says she gets to know her class better, including learning faster students strengths and weaknesses. She went on to say that it also allows her to initiate remedial education in a subject when necessary on an individual basis; and that she encounters less discipline problems resulting in more class time for instruction. First Grade teacher Teresa Guinnup who had 25 students last year and 17 this year says now she can talk to each child and check his or her ability. The students told me that they like smaller class sizes because it was easier to concentrate, there was more room and some kids get to sit at their own desk.

At Winchell Elementary School in Kalamazoo where some classes have gone from 29 down to 17, teachers are seeing major improvements in their pupil's reading skills. First grade teacher, Mary Trotter, who had 28 students last year and has 19 this year said, "I'm able to give children much more individual help. It's a dream." First grade teacher Kitty Wunderlin who had 29 students last year and 19

this year, said "it is divine to have 19 students. I can give them one to one attention. With 29 students I felt overwhelmed." And, first grade teacher Kathie Gibson told me, "I've seen great gains in my students reading skills this year."

In Lansing, at Harley Frank Elementary School, kindergarten teacher Mrs. Zimmerman, who has been teaching for 34 years and who last year planned to retire until she heard class sizes were going to be reduced, said that she now has more control over her class, the kids are happier and more adjusted and in short, they are able to learn more. With smaller classes, teachers can assess each student's progress in a more timely manner and students develop more interest in learning, all of which create higher student achievement.

Many other direct experiences of teachers and students were shared with me. For instance, at Merrill Community Elementary school in Flint, which started a class downsizing program five years ago for grades K-4. Before this program began, their student to teacher ratio was 30-1. One teacher, Mrs. Stephanie Thibault told me that "having 30 first and second graders in a classroom was overwhelming and exhausting." Teachers would literally find themselves counselling some of their students in the hallways because their buildings and classrooms were so overcrowded. After the implementation of their new program, that ratio changed to 17 students to 1 teacher, and listen to the difference expressed by Mrs. Thibault. She exclaims "As a teacher, my role has expanded beyond instruction. Having a 17-1 ratio allows me to know my students and their families better, allows me to personalize learning tasks for each child and it gives me opportunities to provide one-on-one help. Students benefit because they receive the attention and caring they deserve."

Because of a class size reduction program, Mrs. Thibault can now give students the instruction they deserve. Isn't that exactly what we should strive for? Our teachers should not be overwhelmed and exhausted at the end of each day. Our students should not be competing with each other to get the attention of their teachers. Each child deserves that attention and caring that teachers like Mrs. Thibault can provide. But some teachers are not capable of providing that teaching environment. Too many of our classrooms are spilling out into the hallways and until we change this by reducing class size, our young people will be at a disadvantage.

When we reduce class size, we not only help our teachers and students, but we meet needs of parents whose children are learning more and performing better in school. When the program to reduce class size first began in the Flint Community School District,

test scores for students were low. For the 1994-95 school year, only 8 percent of the students at Merrill Elementary passed the "Reading/Story" portion of the Michigan Education Assessment Program, the MEAP test. For that same year, only 26 percent passed the "Reading/Info" section and just 10 percent passed the Math portion of the MEAP test. Since the implementation of the program, the students at Merrill Elementary school have seen their scores rise dramatically, and I'm not just taking about a couple of percentage points. Last school year, after just 4 years of smaller class sizes, 54 percent of those elementary students passed the "Reading/Story" portion of the test, an increase of 45 percent. In addition, 70 percent of Merrill elementary students passed the "Reading/Info" portion, a 44 percent increase and 55 percent passed the "Math" section of the MEAP test, a 44 percent increase. In just a few years, these students were receiving more attention in a better academic environment and were simply, learning more.

Let's take the important lessons from these elementary schools in Michigan and apply them to this legislation. We must start reducing class sizes now. If we fail to pass this amendment, reducing class size, we fail the students of Michigan and the rest of the nation.

Ms. MIKULSKI. Mr. President, I am proud to be an original cosponsor of the Murray/Kennedy Class Size Amendment. This amendment continues a major six year effort to help local school districts hire 100,000 teachers nationally. It is one the most important pieces of legislation the Senate will consider this year. This amendment will strengthen our schools today and build a framework for the future.

Last year we made a down payment by including \$1.2 billion in the budget for class size. This year, we must continue the fight for our schools and the fight for our kids. We must give our schools the support they need to lower class size. We must get behind our kids by passing this critical legislation.

Last year, we worked together in a bipartisan fashion to reduce class size in the FY99 Omnibus Appropriations Act. Last year we got \$1.2 billion in the Omnibus to reduce class size using highly qualified teachers. Nationally, this allowed us to hire some 30,000 new teachers this year. My state of Maryland alone received \$17.5 million and will get about 425 new teachers this summer.

Mr. President, I have visited these classrooms and I have talked to these kids. These children have told me over and over again that they want to learn. They have told me they need more individualized attention. I have received letters from kids in school who are begging for our help. They tell me their schools are overcrowded and the teachers can't control the large classrooms.

They tell me they are scared to go to school and that they can't learn because the teachers are too busy trying to manage the overcrowded classes.

Mr. President, this is a sad time for our students. A child should never fear going to school. We need to work and work hard to ensure that our efforts are not short circuited because of politics. I have told many teachers and students about the important strides we made last year to make sure they will have smaller and more effective classrooms. These children are excited about having more opportunities to learn. They are eager to read and learn about science and technology. They are excited about all the wonderful possibilities that lie ahead for them with a proper education. But we need to do more. By passing this amendment today, we in the Senate have an opportunity to prove our commitment to education.

Efforts are already underway in my state of Maryland to reduce class size. I have heard from at least five counties in my state that they have class reduction programs already in place or in development. The schools in Montgomery County, Maryland, for example, are reducing class size for reading at the primary grade level. In the primary grades, they have started a program where there are only 15 students per teacher for a 90 minute reading block. They are also reducing class size in math at the middle and high school levels and have added an extra math teacher to each school to ensure success in algebra. I applaud these efforts, but they need federal help to do more.

These programs started this school year and are being phased in over the next three years focusing initially on low-performing schools. And do you know what these programs will do? They will prepare Maryland kids for the new millennium. They will prepare our children to go onto college and gain the important skills they will need in the future. These class reduction programs are the building blocks that will help prepare our kids to be our future leaders.

The American people are counting on us to help fix an education system which failed so many children. Our education system has been ignored for far too long. If we don't pass this amendment today, we are sending the wrong message to the American public. Because of our efforts last year, our schools will be able to hire new teachers this summer. If we don't pass this amendment, we are telling those school that we are not committed to improving America's education system. We need to continue this effort to provide 100,000 new teachers for America. Let's get behind our kids and pass this amendment.

Mr. KENNEDY. Do I have any time?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute. The

Senator from Massachusetts has no time.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. No time remaining.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I yield back the remainder of my time and I move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Murray amendment No. 64. The yeas and nays have been ordered. 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 desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 41 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	Voinovich
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 motion to lay on the table the amendment (No. 64) was agreed to.

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

Mr. CRAIG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 66

The PRESIDING OFFICER. Under the previous order, we will now debate Lott amendment No. 66 with 5 minutes equally divided.

Mr. JEFFORDS. Mr. President, this is very similar to the amendment we previously voted on, referred to as the Lott-Jeffords amendment. The pending amendment would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act to expand the choices available to local school officials. They would have the opportunity to determine whether hiring teachers or educating children with disabilities is a greater need for their schools, and to spend the additional funds accordingly.

I am sure that many areas would choose to hire teachers, although I strongly suspect that most communities in my home State would choose to use their funds for IDEA. A number of small States are already at the level of teachers they need, but we are grossly underfunded in taking care of our special needs children. I have heard many times during my trips home, that the current level of funding for IDEA falls far short of the 40 percent we promised in 1975. Full funding of IDEA would offer local school officials the flexibility in their budgets to develop dropout prevention or other programs that best meet the needs of their communities. I urge my colleagues to support this amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, it is very difficult to hear. The Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Connecticut.

Mr. DODD. Mr. President, I rise in opposition to the amendment and do so with a sense of some regret. I offered an amendment a year ago with, in fact, Senator COVERDELL, our colleague from Georgia, on the \$7 tax break proposal as an alternative where real money—\$1.6 billion—would go toward IDEA.

I think all of us appreciate the fact that many of us over the years wanted to raise our level of support for that program. But in this particular issue, to kind of ask in a sense that we now take needed dollars to try to bring down class size and throw this item in—by the way, I lost on that amendment where we would have had \$1.6 billion for IDEA. I got voted down on that proposal. Here we have a real issue of class size.

One of the major problems in IDEA is the learning disabilities. Two-thirds of IDEA kids are learning disabled; primarily speech, and language is the second disorder. That problem is not discovered until the third or fourth grade in most schools. You don't discover that with a younger child.

The irony here, in a sense, is that we are trying to reduce class size, which is what the underlying amendment would do, so that you try to avoid the problems from being created in the first place. Here we are sort of competing against each other. We have a legitimate issue that we are trying to get dollars into, and that is to reduce class size. To the extent that we do that, we are going to reduce the IDEA problem. That is what we ought to be trying to do, instead of creating this false choice out here, in a sense. If you can choose between these dollars, clearly, in many communities, because it is a tax issue, they are going to go with IDEA. The underlying problem with IDEA gets addressed if we reduce the class size.

I urge my colleagues in this particular case—after we increased by \$500 million last year IDEA funding—that we reject the amendment. Do what we can in this partnership and bring down class size, which is what most Americans would like us to do across the board, and still work on the IDEA issue and reducing the obligations there.

For those reasons, I urge the rejection of this amendment.

Mr. JEFFORDS. Mr. President, I point out that all we are doing is giving flexibility to States like Wyoming, North Dakota, Vermont, and other States that are already at the reduced class size. Why not let them spend it for IDEA, which is grossly underfunded? That is where the money is really needed. That is where the kids will be helped.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi. The yeas and nays have been ordered.

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 desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—61

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

Stevens	Thompson	Voinovich
Thomas	Thurmond	Warner

NAYS—38

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

NOT VOTING—1

Murray

The amendment (No. 66) was agreed to.

AMENDMENT NO. 63

The PRESIDING OFFICER. We are now on amendment No. 63. There are 5 minutes equally divided for debate. But before we begin that, we will need to get the attention of the Senate. Will Members in the well take their conversations to the Cloakroom?

Who seeks recognition?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment is intended to commit the Federal Government to help local school districts deal with a very serious problem, the problem of students dropping out of school before they graduate. There is no Federal program that is intended to resolve this problem. I hear a lot of talk about how there are other Federal programs. There is no Federal program that is funded that is intended to solve this problem. This amendment would help us do this.

Clearly, this is a major issue in all of our States.

This is particularly an important issue in our States where we have large numbers of Hispanic students. The dropout rate is 30 to 50 percent among that community.

I yield the rest of the time to the Senator from Nevada who is a cosponsor on this amendment.

Mr. REID. Mr. President, we have over 1 million people, men and women, in prison in this country. Let's round it off and say we have 1 million people in prison, and 820,000 of those people in prison, men and women, have not graduated from high school. If there were no better reason to do something about the dropout problem, that would be it. We have to keep young men and women in school. Three thousand children drop out of school every day, 500,000 a year. This amendment would do nothing to take away from local school districts absolute control as to how they handle dropouts, but it would give them additional resources and assets they now do not have.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am reluctant to oppose this amendment

because I have such great empathy and sympathy for the problem, and, because I respect the Senator from New Mexico a great deal. We have worked together on so many programs and problems over the years, and we will continue to do so. And I respect his judgment. However, to address this issue at this time is not appropriate. This is a program already in existence, though obviously, not working well. The program is within the Elementary and Secondary Education Act. I am dedicated to working closely with the Senator from New Mexico to find out how and what we should do to amend existing programs in order to have better dropout programs. So I hope he would understand that, and that by opposing this amendment, which I will move to table eventually, I am not doing anything other than saying wait—wait until we go through the reauthorization of the ESEA this year. We are going to hold hearings and make sure we do the best thing possible to solve the dropout problem.

Right now, I cannot accept this amendment. I retain the remainder of my time.

Mr. BINGAMAN. Mr. President, is there additional time?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute. The Senator from New Mexico has no more time.

Mr. JEFFORDS. That is all the time that is available?

Mr. President, for the reasons that I have stated, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New Mexico, Mr. BINGAMAN. The yeas and nays have been ordered. 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 result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—55

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

Specter	Thompson	Warner
Stevens	Thurmond	
Thomas	Voinovich	

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 motion to lay on the table the amendment (No. 63) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, let me explain what we intend to do on this side of the aisle. I intend to arrange for a voice vote on the next two amendments. They are Lott amendments. They are very similar to the ones that we had before. I do not believe it is worthy of time to get votes on those, because that dye is well cast by the previous vote.

AMENDMENT NO. 67

Mr. JEFFORDS. The amendment we have now is Lott No. 67. Fulfilling a promise is not as exciting as raising new expectations with new programs. We don't get much press coverage, presumably, for doing the right thing, but if we fulfill our obligation to fund IDEA, State and local agencies will be able to target their own resources toward their own, very real needs. These may be needs for afterschool activities, or for dropouts, or for any number of the pressing needs facing our Nation. All of this is going to be discussed in the reauthorization of the Elementary and Secondary Education Act.

With that, Mr. President, I will yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Are there further remarks on amendment No. 67?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Just a point of information, is this the Boxer amendment that the Senator has just spoken against?

Mr. JEFFORDS. This is the Lott amendment.

Mrs. BOXER. Fine, I will withhold.

Mr. JEFFORDS. Mr. President, I ask to vitiate the yeas and nays.

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

The question is on agreeing to amendment No. 67.

The amendment (No. 67) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 65

Mrs. BOXER. Thank you, Mr. President. In 2½ minutes I hope to convince my colleagues to support this afterschool amendment.

The Senator from Vermont said it is not so exciting to fund new programs. This is not a new program. This is a program that works. This is a program that we all agreed we would spend \$200 million on last year. The response in the community has been overwhelmingly positive and we need to fund it at a greater level.

What we do in this amendment is authorize the same amount of funding that the President has put in his budget; \$600 million would accommodate over 1 million children. Look at these children, look at their faces, look at how they are involved with a mentor after school. After school programs keep children like them from getting into trouble by involving them in positive activities. We can see here, if we look at this chart, that the time when juvenile offenders commit violent crimes is during the after school hours. You do not need a degree in criminology or sociology or psychology to understand that youth offenders are more likely to commit crime or become involved in criminal activity when they are home alone or unsupervised. We see criminal activity among youth peaking here at 3 p.m., when schools let out. Gradually, as the hours move into the early evening and parents come home, the peak drops. Additionally, law enforcement supports afterschool programs. We call this particular amendment an anticrime amendment. It has been endorsed by police athletic leagues from across the Nation. Members have been calling in favor of this amendment. Here is the list of the many law enforcement groups, just a handful of them, to show you how popular this program is.

Who supports afterschool programs in America? In a recent poll, August of 1998, 92 percent of Americans support afterschool programs. After school programs are anticrime, pro-education, pro-community, and make common sense. Again, I hope Senators will vote in favor of afterschool programs. This is not a new program. I thank my colleagues for their attention.

Mr. LEVIN. Mr. President, I am pleased to cosponsor this legislation to provide quality after school programs for our nation's youth. There are 23.5

million school-age children who have working parents, and of these children, 5 to 7 million are considered "latchkey" kids, or children who are alone at some point in the day.

Mr. President, law enforcement statistics show that from the hours of 3:00 p.m. to 6:00 p.m., students between the ages 12 to 17, are more likely to commit violent acts or be the victims of violent activity. We know that they are more likely to engage in these activities if young people are without adult supervision. According to a report published by the U.S. Department of Education and U.S. Department of Justice in June of 1998, entitled Safe and Smart: Making After School Hours Work for Kids, "first and foremost, after school programs keep children of all ages safe and out of trouble."

There is no question that afterschool programs keep most kids out of trouble, unfortunately, there are not enough of them to keep all kids on the right track. According to findings of Mr. Herbert Moyer of the Michigan State Board of Education, which were published in the March 10, 1999 Oakland Press:

More than 80 percent of parents want their children to attend an after-school program, but only 30 percent of elementary and middle schools offer such programs. After-school hours are when juvenile crime rates triple and youth without positive alternatives may do drugs, smoke, drink or engage in sexual activity . . . eighth-graders who are left unsupervised for 11 hours or more a week are twice as likely to abuse drugs or alcohol as those under adult supervision.

Mr. President, this amendment would make a substantial effort to resolve that problem. By increasing the appropriations for the 21st Century Learning Centers program to \$600 million, a three fold increase over last year's funding, public schools will be able to develop after school centers for children that provide educational, recreational, cultural, health and social services. Specifically, activities and services may include: Literacy programs, telecommunications and technology education programs, mentoring, academic assistance, job skills assistance, expanded library services, nutrition and health programs, summer and weekend school programs, services to individuals with disabilities, drug, alcohol, and gang prevention.

Last year, 21st Century Community Learning Centers grants were awarded to four school districts in my State. Schools in Armada, Benton Harbor, Grant Rapids and the Highland Park School have received these grants. I would like to share with you some of the possibilities that these grants can provide to local school districts around my state and nationwide.

In the Armada Area Schools, the district planned a virtual network of middle school computer centers (called "clubhouse"). The centers are meant to

increase student engagement in learning through computer use; foster collaboration among students, schools and communities; and develop a model of statewide collaboration through the sharing of resources.

The Benton Harbor Area Schools planned to partner up with local community groups and Western Michigan University to provide Community Learning Centers, which are established to assist middle school students in developing literacy and technology skills and they plan, produce, and present constructive projects that deal with community-wide issues such as poverty, violence, drug use, and teen pregnancy.

The Grand Rapids Public Schools planned to create four local Learning Centers in its middle schools. The program is designed to operate on afternoons, one evening per week, and several hours on Saturdays and provide enrichment activities, recreational activities, parent and child activities and community support activities.

The Highland Park School District, which collaborated with government, nonprofit groups, and local universities, planned to create two Learning Centers in their area. At these centers, students and community members can participate in academic programs, sports and recreational activities, literacy and family recreational activities.

I would like to applaud the innovative ways in which Michigan educators have provided students with after school programs. These school districts were selected for the 21st Century Learning Centers grants because of their innovative projects in addressing their after-school needs. And, let me say, Mr. President, that Michigan students and parents are lucky to have people like Kathleen Strauss, Vice President of the Michigan Board of Education, who has championed the cause of after-school programs for our youth for many years. We are also lucky to have such dedicated educators, especially in Armada, Benton Harbor, Grand Rapids and Highland Park, who have helped students gain access to computers and new technologies, and to encourage student involvement in the community.

I am pleased that Michigan schools are benefiting from these grants, and am hopeful that the model set by these school districts will encourage the establishment of similar initiatives in communities throughout my state and the nation. I urge my colleagues to support this amendment.

Ms. MIKULSKI. I rise today as an original cosponsor of Senator BOXER's After School Education and Anti Crime Amendment. I am very pleased to support this important legislation with Senator BOXER. One of my highest priorities as Senator is to promote structured, community-based after school

activities to help kids stay safe. I will support this amendment for three reasons. First, there is a desperate need in this country for constructive after school programs for our youth. Second, it authorizes increased funding for after school programs. Third, this amendment specifically includes Police Athletic Leagues as part of the after school effort.

Mr. President, America's youth needs our help. Kids need constructive after school activities to keep their young minds healthy and active. In many families today, both parents have to work. And that's if they are lucky enough to have two parents. Many kids are raised by single moms who hold down one or more often, even two jobs just to make ends meet. I talk to single moms in my state of Maryland who can barely get by. Many of them hold down steady jobs while trying to go to school. They are trying to improve themselves so they can get better jobs and take care of their families. These parents can't always be there after school to supervise their children. They cannot leave their jobs at 3:30 when school lets out. They cannot quit their jobs because even if there are two parents working, they still need every dime.

So what do we tell these people to do with their kids after school? What if they aren't lucky enough to have grandparents or aunts and uncles to take care of the kids after school? Most of these parents can't afford the high costs of day care. Do we just blame the parents when their kids get in trouble? No. This is a responsibility for us all. This situation presents a problem for us all. Gangs, drugs, and violent crimes has become an epidemic among our children. These kids are the future of our country. One day, they will be our leaders. Here in Congress we have the ability and the duty to save our youth. And this amendment helps communities build after school programs for our youth.

I also support this amendment because it authorizes \$600 million for after school programs. This money will allow 1.1 million kids each year to go to an after school program. In the budget last year, we put \$200 million in after school programs. Last year, we made the downpayment. This year, the President has tripled that amount to \$600 million. And what will this funding mean? It means that after school programs could get more space. They could hire more staff and add programs and services. It means that these programs can serve more young people.

Mr. President, I will also support this amendment because it specifically includes Police Athletic Leagues as part of the after school effort. I have made it a priority to do all I can to help the PAL programs in Maryland. We have 27 PAL centers in Baltimore, Maryland. The first PAL center in Maryland was

in 1995, in northeastern Baltimore, located in a transformed convenience store. Our PAL centers were not started with the help of the federal government. The success of this program is due to the hard work of the Baltimore Police Department and the support and involvement of members of the community. But now it's time for the federal government to help fund the PAL centers and the excellent work that they do.

The PAL centers provide adult role models for our kids. They promote character & responsibility. The people there help kids with their homework. They teach them about art, cultural activities and sports. This is all part of our effort to get behind our kids and combat juvenile crime. PAL centers help to make our streets safe and give kids the tools for success. These programs recognize that we need to give kids alternatives to the streets.

Mr. President, after school programs must be a priority. We don't have the luxury of funding after school programs just because we want to do something extra for our kids. After school is not an extra anymore. After school programs are now a necessary fact of life. We need to give kids a fighting chance. I will be fighting to enact this bill into law and I encourage all of my colleagues here to get behind our kids and vote for this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will likely oppose this amendment because, again, this will be reauthorizing the Elementary and Secondary Education Act. Actually, this program is already part of the law in a way. It is the 21st Century Schools program I got in in 1994. The administration has, by regulation, kind of changed it into an after-school program. I do not mind that, but I think the 21st Century Schools was much broader and a better program. We can argue this out, and we will have hearings on it and evidence presented during the next few weeks and months. At this point, I would have to oppose the Boxer amendment, and eventually, after time runs out, I will move to table it.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from California has 58 seconds remaining.

Mrs. BOXER. Thank you, Mr. President. I will take that time, if I might. I knew I could speak fast, but I did not realize I had left all that time.

Again, I say to my friend, this is a moment, an opportunity for us. We have an education bill before the U.S. Senate. Why would we wait to put more teachers in the classroom? Why would we wait on afterschool programs when, in fact, it is so necessary? Throughout America, people are asking us to act. If you go to the community

and say, well, we are waiting for a different vehicle to come before the Senate before we address after school programs, they will look at you and say, wait a minute, we need these funds now. Our kids are getting into trouble after school. We have an opportunity, with a good bill that Senator WYDEN has brought to us and Senator FRIST, to make it even better. I urge my colleagues, please vote in favor of this amendment for afterschool programs.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, again, I just reiterate, this is not the time to be arguing about this. The time is with reauthorization of the Elementary and Secondary Education Act. Therefore, I would strongly urge Members of both sides to vote against this amendment.

Mr. President, I move to table the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays?

Mr. JEFFORDS. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to lay on the table the amendment of the Senator from California. The yeas and nays have been ordered. 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 result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 44 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	Daschle	Johnson
Baucus	Dodd	Kennedy
Bayh	Dorgan	Kerrey
Biden	Durbin	Kerry
Bingaman	Edwards	Kohl
Boxer	Feingold	Landrieu
Breaux	Feinstein	Lautenberg
Bryan	Graham	Leahy
Byrd	Harkin	Levin
Cleland	Hollings	Lieberman
Conrad	Inouye	Lincoln

Mikulski	Robb	Torricelli
Moynihan	Rockefeller	Wellstone
Reed	Sarbanes	Wyden
Reid	Schumer	

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 65) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 68

Mr. JEFFORDS. Mr. President, I am going to now ask for a voice vote on Lott amendment numbered 68. This is basically the same amendment we have been voting on. I think I talked to the other side of the aisle and they have no reason not to have a voice vote.

At this point, I ask unanimous consent to vitiate the yeas and nays on Lott amendment No. 68.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. JEFFORDS. Mr. President, let me explain this amendment. Like the previous Lott amendment, this would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act to expand the choices available to local school officials. They would have the opportunity to determine whether hiring teachers or educating children with disabilities is a greater need in the schools and spend the additional funds accordingly.

I am sure that many areas will choose to hire teachers, although I strongly suspect that most communities in my home State would choose to use their funds for IDEA, special education. If a locality has a plentiful supply of unemployed qualified teachers and lacks only the funds to hire them, that locale will use the \$1.2 billion to hire teachers. If that is not the case, those funds will be put to better use by supporting existing efforts to educate special education students.

I urge my colleagues to support this amendment. I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I want to make it crystal clear that I am not in favor of amending IDEA in any significant way, now or in the near future. In the last Congress, members of both the House and the Senate worked hard to bring all sides together to reauthorize IDEA. Now, Congress owes children and families across the country the most effective possible implementation of this legislation.

The amendments enacted in 1997 were the product of comprehensive, bipartisan negotiations involving Congress and the Administration, with extensive public input. The final product involved compromises on many sensitive

and complex issues, and it has been widely recognized as a significant improvement of this landmark legislation, to protect the rights of 6 million children to a free, appropriate public education. The Department of Education moved quickly to propose regulations, and the final regulations are expected this Friday.

In many communities, schools are only just beginning to use the tools that are available to them under current law in cases where disciplinary action is warranted for a disabled student. Schools have broad power to develop and implement behavioral intervention plans for children with disabilities, and to use early intervention in ways that can avoid the need for disciplinary actions at all.

The 1997 changes in the law and the implementation of the regulations under it must be given a chance to work. At this point, it is clearly premature to make substantive changes in the statute. The goal of this Congress should be to give all children the educational opportunity to pursue their goals and dreams. We should not prematurely undermine the implementation of this landmark legislation.

Mr. President, for the reasons outlined earlier, we were prepared to move towards a voice vote.

There is one change in terms of the IDEA regulations. There will be some IDEA regulations with regard to discipline that have been included in this amendment that are generally not objectionable. However, since it does effectively undermine the previous agreement, I hope it would not be accepted.

Mr. President, I have three letters—one from the National Parent Network on Disabilities, the Disability Rights Education and Defense Fund, and the National Organization on Mental Retardation—from organizations that are opposed to this amendment, and I ask unanimous consent they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL PARENT NETWORK

ON DISABILITIES,

Washington, DC, March 11, 1999.

Senator EDWARD M. KENNEDY,

Russell Senate Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the board and members of the National Parent Network on Disabilities (NPND) we are opposed to any amendments to the Individuals with Disabilities Education Act (IDEA) now or in the near future. In the last Congress, members of both the House and Senate worked hard to bring all sides together to pass the reauthorization of IDEA. The vote in both Houses was near unanimous in favor of reauthorization.

Tomorrow the regulations to implement this law will be promulgated. With these regulations there is an opportunity to move forward with full implementation of the law. Congress owes the children and families across the country the most effective possible implementation of this legislation.

The amendments which were enacted on June 4, 1997 were the product of comprehensive, bipartisan negotiations involving both chambers of Congress and the Administration, with extensive public input. The final product, which involved compromises on many sensitive and complex issues, has been widely recognized as a significant improvement of this landmark legislation, which protects the rights of 6 million children to a free, appropriate public education.

In many communities, schools are only just beginning to use the tools that are available to them under current law in cases where disciplinary action is warranted for a disabled student. Schools have broad power to develop and implement behavioral interventions plans for children with disabilities, and to use early intervention in ways that can avoid the need for disciplinary actions at all.

The NPND represents 147 organizations nationwide that serve parents and families of students with disabilities. NPND provides a voice and a presence at the national level to influence public policy on behalf of its constituents. NPND is opposed to any amendments to IDEA.

Sincerely,

PATRICIA M. SMITH,  
*Executive Director.*

DISABILITY RIGHTS EDUCATION  
AND DEFENSE FUND, INC.,  
*March 11, 1999.*

Senator EDWARD M. KENNEDY,  
*Russell Senate Office Building,  
Washington, DC.*

DEAR SENATOR KENNEDY, the Disability Rights and Education Fund (DREDF), is an organization which specializes in disability, civil rights and education law. We are strongly opposed to any amendments to the Individuals with Disabilities Education Act (IDEA).

In the last Congress, the House and Senate worked hard in a bipartisan manner to bring all sides together to pass the reauthorization of IDEA. The amendments which were enacted on June 4, 1997 were the product of intense negotiations involving both chambers of Congress and the Administration, with extensive public input. Parents, family members, educators, administrators and legal scholars came together week after week prior to passage to provide input to assist in crafting this landmark legislation which protects the rights of 6 million children to a free, appropriate public education.

The final regulations for IDEA are going to be promulgated tomorrow. With these regulations, we expect full implementation and enforcement of the law. We believe that it is imperative that Congress allow this law to be implemented on behalf of these students nationwide.

One of the major points of contention in the reauthorization was the subject of discipline. Section 615 of IDEA reflected very carefully crafted language dealing with discipline. In many communities, schools are only beginning to use the tools that are available to them under Section 615 in cases where disciplinary action is warranted for a disabled student. Schools have broad power to develop and implement behavioral intervention plans for children with disabilities.

Please, as you have done so many times before, continue to fight to protect the rights of children with disabilities and their families.

Sincerely,

PATRISHA WRIGHT,  
*Director of Governmental Affairs.*

THE ARC OF THE UNITED STATES,  
GOVERNMENTAL AFFAIRS OFFICE,  
*Washington, DC, March 11, 1999.*

Hon. EDWARD M. KENNEDY,  
*Ranking Minority Leader, Health, Education,  
Labor and Pensions Committee, U.S. Senate,  
Washington, DC.*

DEAR SENATOR KENNEDY, it has come to the attention of The Arc that the Senate intends to vote on the Ed-Flex legislation, S. 280, today. Much to our chagrin, a last second amendment which would amend the discipline provisions of the Individuals with Disabilities Education Act has been added to S. 280. While we know that IDEA funding has been heavily debated during consideration of this bill, there has been no debate on the IDEA discipline provisions. Amending IDEA at this time and under this circumstance is absolutely unacceptable to the disability community and The Arc. The last Congress, after more than 2 years of intense negotiation, made major changes to the IDEA discipline provisions. These provisions have not had a chance to be fully understood and implemented since we still do not have the final regulations to implement these complicated provisions. Further amending IDEA this way is fraught with danger and will lead to considerable more confusion in the education and special education communities. It is simply not the time and the Ed-Flex bill is not the place to amend IDEA. Thus, we reluctantly recommend you oppose final passage of the Ed-Flex bill.

We thank you for your consideration of our views.

Sincerely,

LORRAINE SHEEHAN,  
*Chairman.*

Mr. LOTT. Mr. President, I would like to yield to the Senator from Missouri, Senator ASHCROFT, so that he can explain a provision that he drafted for Amendment No. 68, an amendment that he and I have offered to the Ed-Flex bill.

Mr. ASHCROFT. I thank the Majority Leader for this opportunity to give an explanation of the provision.

Mr. LOTT. It is my understanding that the Senator from Missouri's provision makes an important clarification to a discipline provision within the Individuals with Disabilities Education Act.

Mr. ASHCROFT. Yes, that is correct. I am proposing this provision in response to specific concerns I have heard from Missourians.

Mr. President, a message that I am hearing from parents and teachers and students is the issue of school discipline. For the past few months my staff and I have been looking into this issue to see if there are changes that can and should be made to the Individuals with Disabilities Act Reauthorization legislation, in order to give local schools the flexibility they need to apply disciplinary measures in a fair, uniform, and logical manner. I will have more to say on this issue when the Senate takes up the reauthorization of the Elementary and Secondary Education Act.

But one issue has come to my attention that I believe Congress should address right now, and it involves the

issue of a school's ability to discipline IDEA students who carry or possess weapons to or at schools.

Mr. President, I have proposed a provision within Amendment No. 68 which makes an important addition to a provision in the Individuals with Disabilities Education Act. The revision I propose will ensure that the IDEA legislation accurately reflects the intent of Congress that schools should have the ability to place a child with a disability in an alternative setting for discipline situations involving weapons.

Specifically, this provision revises the law to explicitly allow a school to place a child with a disability in an appropriate interim alternative educational setting for up to 45 days if the child carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function. Currently, the law says that a school could take such action only if the child carries a weapon to school or to a school function.

The problem with the current statutory language is that it creates an unintended loophole which could prevent a school from placing a child in an alternative placement if the child at question is in possession of a weapon.

Some school boards in my state have expressed concerns about the language in the IDEA reauthorization allowing a 45 day change in placement of a child who "carries" a weapon to school. Schools want to know whether that language means they can change the placement of a child whom they found to be in "possession" of a weapon, as well as a child found to be simply "carrying" the weapon to school. They are afraid that the language of the statute sets up a distinction that is going to create a big loophole which kids can jump through to avoid the 45 day change in placement.

Right now, there is a situation in a school district in my state involving two students, both with individualized education programs (IEPs). I have been asked not to name the specific school district at issue because proceedings are still pending on this matter. But here are the facts: Student A carried a weapon into the school and gave it to Student B, who then put the weapon into his (Student B's) locker. The school knew that it could put Student A into an alternative placement, since Student A literally "carried" the weapon into school. But could the school also change Student B's placement, since technically he didn't "carry" the weapon into school, but instead was simply "possessing" it?

The school went ahead and also placed Student B in an alternative placement as well. However, the school is now worried that at the pending proceeding, Student B will raise the issue of "carrying" as opposed to "possessing" the weapon. The school says that it doesn't know how it will be able

to get around an argument from the child or his parent that the child did not literally carry the weapon to school.

Surely Congress did not intend to set up such a situation in the 1997 IDEA reauthorization. Surely we intended that schools have the ability to place a child in an alternative setting for up to 45 days if the child possessed a weapon on school premises, as well as carried a weapon to the school. And this is why we should pass this amendment: to ensure that schools have the ability to take the appropriate measures against students when weapons are involved.

I would like to point out that even the Department of Education has acknowledged that the current statutory language "carries a weapon to school or to a school function" is ambiguous, and that it was the clear intent of Congress to cover instances in which the child is found to be in possession of a weapon at school.

Now this amendment, if passed, would not apply to the school district in Missouri that is facing this dilemma, since that is a pending case. But we would be addressing this problem for any future situations, providing the clarity that schools, parents, and children need.

Mr. President, schools, teachers, principals, and administrators want and need to be able to treat all students on a uniform basis when weapons are involved. We need to be sure that our laws allow a school to remove any student from the regular classroom if that student is found with a weapon at school. We need to close up any loopholes in the law that would prevent a school from taking this immediate action to maintain a safe learning environment for our students.

Mr. President, I hope that my colleagues will join with me in making this vital addition to the IDEA law, so that schools will be able to exercise the authority we intended to give them to maintain a safe school environment for all our children.

Mr. JEFFORDS. Mr. President, this is an amendment which I think everyone would agree is an appropriate amendment regarding the rules with respect to discipline and carrying a weapon into a school. A decision was made, that the law only applied to those individuals who carried a weapon to the school. But, if the weapon was in the possession of someone within the school, the law did not apply. This would make sure that possession, as well as carrying it in, is a violation. That is why I will obviously support the amendment.

Mr. KENNEDY. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The yeas and nays have been ordered. 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 result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—78

Abraham	Edwards	Mack
Allard	Enzi	McCain
Ashcroft	Feinstein	McConnell
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Nickles
Bennett	Gorton	Reid
Bond	Gramm	Robb
Boxer	Grams	Roberts
Breaux	Grassley	Rockefeller
Brownback	Gregg	Roth
Bryan	Hagel	Santorum
Bunning	Hatch	Schumer
Burns	Helms	Sessions
Byrd	Hollings	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stevens
Coverdell	Kerrey	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
DeWine	Lieberman	Torricelli
Domenici	Lincoln	Voinovich
Dorgan	Lott	Warner
Durbin	Lugar	Wyden

NAYS—21

Akaka	Graham	Leahy
Biden	Harkin	Levin
Bingaman	Inouye	Mikulski
Cleland	Kennedy	Moynihan
Daschle	Kerry	Reed
Dodd	Kohl	Sarbanes
Feingold	Lautenberg	Wellstone

NOT VOTING—1

Murray

The amendment (No. 68) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 61

The PRESIDING OFFICER (Mr. SMITH of Oregon). There are now 5 minutes evenly divided on amendment No. 61.

Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to share my 2½ minutes with Senator DORGAN. The amendment before the body right now is a combined amendment. My amendment is on social promotion and provides funding for—

Mr. WELLSTONE. Mr. President, may we have order in the Chamber.

The PRESIDING OFFICER. The Senator will be in order.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, the amendment before the body is a combination amendment with Senator DORGAN. It is remedial education and a report card amend-

ment. He will speak on the report card provisions. My amendment is on social promotion and remedial education. I hope this is one area this body can agree on; that is, the practice, formal or informal, of promoting youngsters from grade to grade when they sometimes don't even attend school and often fail classes. That is not the way to educate young people in the United States of America.

Increasingly, States are doing away with the practice of social promotion and providing standards and enabling school districts to implement those standards in the basic core curriculum—reading, writing, math, and social sciences.

This amendment tries to provide Federal incentives and Federal help for the remedial education that is necessary to make the abolition of the policy of social promotion a realistic possibility.

So it would authorize \$500 million to school districts for remedial education for afterschool, summer school, intensive intervention for students who are failing or at risk of failing. As a condition of receiving the funds, the school districts would have to adopt a policy that prohibits social promotion. District would have to require students to meet academic standards. And they would test students for achievement.

Now, I think the problem is clear. This course of least resistance, of simply promoting youngsters, has really led to declining test scores, failure, frustration, and certainly the inability of many to even fill out an employment application to be able to get a job after graduation.

Mr. WELLSTONE. Mr. President, could we have order in the Chamber.

The PRESIDING OFFICER. The Senator will be in order.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

So I feel very strongly that the linchpin of reform of the public education system is the elimination of social promotion. But if you eliminate it and you do not provide any help for failing students, it will not work. So this is a small authorization, \$500 million to help those students and not just leave them languishing. I very much hope that both sides of the aisle will vote for it.

I yield the remainder of my time to the Senator from North Dakota.

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

Mrs. FEINSTEIN. I am sorry.

Mr. DORGAN. Mr. President, let me ask unanimous consent for 1 minute.

Mr. JEFFORDS. Mr. President, I yield 1 minute to my good friend.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Chair.

The second half of this amendment would allow for the opportunity to have a standardized report card on

schools—not students, schools. What does it mean if your child gets the best grades in the worst school in the school district? We know about our children. Our children bring home report cards every 6 weeks or 9 weeks. We don't know about our schools.

Do you get a report card on your school? You sure don't. Oh, there are some 30 States that call for a certain kind of report card. Most parents have never seen one. This would suggest that parents ought to be able to understand what they have received from that school with the investment they have made. How does that school compare to other schools? How does your State compare to other States?

That is what this report card proposal would do. It would say, let's do for schools what we do for students, and let's allow parents the opportunity to understand how well their school does in educating children.

I have been joined by Senator BINGAMAN in offering this amendment. We have added it to the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I reluctantly rise in opposition and also will move to table after I finish. But I oppose it only because it should be in the reauthorization act which we are doing for elementary and secondary education. I promise my colleagues that I will work with them to improve programs that make sure that we do a better job in ending the problems we have with so-called social promotion.

How much time do I have?

The PRESIDING OFFICER. Fifty seconds.

Mr. JEFFORDS. I will yield it back. I move to table the amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. 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 result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—59

Abraham	Burns	Crapo
Allard	Campbell	DeWine
Ashcroft	Chafee	Domenici
Bennett	Cochran	Enzi
Bond	Collins	Feingold
Brownback	Coverdell	Fitzgerald
Bunning	Craig	Frist

Gorton	Kyl	Shelby
Graham	Leahy	Smith (NH)
Gramm	Lott	Smith (OR)
Grams	Lugar	Snowe
Grassley	Mack	Specter
Gregg	McCain	Stevens
Hagel	McConnell	Thomas
Hatch	Murkowski	Thompson
Helms	Nickles	Thurmond
Hutchinson	Roberts	Voinovich
Hutchison	Roth	Warner
Inhofe	Santorum	Wellstone
Jeffords	Sessions	

NAYS—40

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

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 61) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 62

The PRESIDING OFFICER. There are now 5 minutes evenly divided on the Wellstone amendment. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, following is a list of requirements this amendment will make unwaivable under Ed-Flex: providing opportunities for all children to meet challenging achievement levels; using learning approaches that meet the needs of historical underserved populations, including girls and women; provide instruction by highly qualified professional staff; provide professional development for teachers and aides to enable all children in the school to meet the State's student performance standards.

I am for flexibility, but we ought to also have, in addition, accountability. These are the core requirements of the title I program as a part of ESEA passed in 1965. There is a reason for these core requirements. We want to make sure that there will be no loophole so that we give protection to poor children in this country. Right now, this ed flexibility bill, unless this amendment is agreed to, creates a loophole whereby a State could allow a school district to be exempt from these basic core requirements, which is our effort as a national community to make sure that poor children have educational opportunities.

The Ed-Flex bill, if this amendment is not agreed to, could take away opportunities for poor children. I ask for your support in relation to title I, in relation to the vocational education

program. This is the right thing to do. If this amendment is not agreed to, this piece of legislation will not be a step forward for low-income children in America. It will be a great leap backward.

Please support this amendment, colleagues.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am sorry that I must disagree with the words of my colleague and member of my committee.

Ed-Flex, as it currently operates, demands accountability of participating States. It is important to keep in mind that accountability has been a part of Ed-Flex since its inception, and the manager's package builds upon those strong accountability provisions. The manager's package, adopted last week, adds the following accountability features: State Ed-Flex applications must be coordinated with the title I plan or with the State's comprehensive reform plan; emphasis on school and student performance; requires additional reporting by the Secretary regarding rationale for approving waiver authority.

It is very important to keep in mind that the Department of Education, the Secretary, is the entity that determines whether or not a State qualifies as an Ed-Flex State. That is retained.

The September 1998 GAO report stated:

The recent flexibility initiatives increase the amount of information districts need, rather than simplifying or streamlining information on Federal requirements. Federal flexibility efforts neither reduce districts' financial obligations nor provide additional dollars.

For those reasons, I ask my colleagues to oppose the Wellstone amendment.

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

The PRESIDING OFFICER. Does the Senator from Minnesota yield back the balance of his time?

Mr. WELLSTONE. I do.

Mr. JEFFORDS. Mr. President, I move to table the Wellstone amendment, and I ask for the yeas and nays.

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 62.

The yeas and nays have been ordered.

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 result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—57

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

NAYS—42

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

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 62) was agreed to.

Mr. LOTT. Mr. President, I believe we are through with the list of amendments and we will be ready to go to final passage.

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, the Senate after this vote will be finished for the day. We will not have any recorded votes on Friday, and because we have been able to work out an agreement on how to proceed on the national missile defense issue, we will not have any recorded votes on Monday either. We will be on the bill. We worked it out where we would not have to have a cloture vote on the motion to proceed. I think this is a positive. I want to commend the Democratic leader for working with us on that.

Also, before we vote, I want to say how pleased I am that we have completed this Education Flexibility Act. The managers of the bill have done a good job. We have been through all these votes today and we are going to complete this legislation, and the story will be that the Senate passed a bipartisan education bill that is going to help the children at the local level.

I commend all who have been involved with it, and I am pleased that, as a result of that, we will not have to have recorded votes on Friday or Monday.

I yield the floor.

Mr. KENNEDY. Mr. President, I intend to vote for the Jeffords substitute to the Ed-Flex bill today because it is a small step forward in improving the federal, state, and local partnerships in

education. It helps to guarantee that accountability goes hand in hand with flexibility, and that increased flexibility will in fact lead to improved student achievement.

But I'm concerned that we are not fulfilling the 7-year commitment we made only a few months ago to help communities reduce class size. It makes no sense to take a small step forward by passing Ed-Flex, and a giant step backward by breaking the class size commitment.

The National Parents and Teachers Association, the American Federation of Teachers, the Council of Chief State School Officers, and the National Education Association strongly oppose the Lott Amendment, because it undermines the commitment to class size reduction that was approved with broad bipartisan support only a few months ago, and because it pits class size reduction against helping disabled children.

Congress made a specific promise last fall to help schools hire 100,000 new teachers over the next seven years to reduce class size. We should keep that promise, not undermine it, and not put it in competition with IDEA.

School districts can't choose to do what is right for some children and not for others. They must—and do—serve all children. They need a federal helping hand to make sure all children get a good education. We should not force communities to choose between smaller classes and students with special needs. Pitting one child against another is wrong. We should meet our commitment to improving education for all children.

Nothing is more important on the calendar of schools right now than their budgets. Over the next few weeks, schools across the country will be making major decisions on their budgets for the next school year. And in many of these communities, the budgets are due by early April. In Memphis, school budgets are due on March 22. In Fayette County, Kentucky, school budgets are due on March 31. In Boston, Savannah, Las Vegas, and Houston, school budgets are due in the first week of April. In San Francisco, they are due by April 1. In Council Bluffs, Iowa, school budgets are due April 15th. In Altoona, Pennsylvania, school budgets are due in April.

Communities can't do it alone. They want the federal government to be a strong partner in improving their schools—not sit on the sidelines—and certainly not break its promises to help.

The Senate should not turn its back on our promise to help communities reduce class size in the early grades. We need to act now, so that communities can plan effectively for the full seven years. No school can hire teachers one year at a time. That makes no sense. Communities want to reduce class

size—and they need to be sure that Congress will do its part to help them over the long term, as we promised.

I intend to vote for the final Ed-Flex bill to move this defective legislation to the next stage, where I hope we can reach a satisfactory compromise.

Clearly we should not break promises to communities. We should make commitments and keep them. And I will oppose a conference report that includes any provisions to undermine our commitment to reducing class size.

I will continue to work to make sure that we meet our commitments to helping communities give all children a good education. The nation's future depends on it.

I want to thank the leaders, Senator LOTT and Senator DASCHLE, for their courtesy and I want to congratulate my friend and colleague, the chairman of the committee, on his work, too.

I want to thank Danica Petroschius, my education advisor, for her able assistance on this legislation and tireless work, along with Jane Oates, Dana Fiordaliso, Connie Garner, and Mark Taylor, along with my committee staff director Michael Myers.

I also thank Greg Williamson of Senator MURRAY's staff, Suzanne Day of Senator DODD's staff, Elyse Wasch of Senator REED's staff, Bev Schroeder of Senator HARKIN's staff, Roger Wolfson of Senator WELLSTONE's staff, and Lindsay Rosenberg of Senator WYDEN's staff.

And I also thank Sherry Kaiman, Jenny Smulson, and Susan Hattan of Senator JEFFORDS' staff, and Meredith Medley of Senator FRIST's staff.

Mr. LOTT. Mr. President, across our Nation, courageous teachers and school administrators, parents and Governors, are working to find creative ways to ensure that our children receive a world class education. The United States Senate is prepared to promote and support these efforts. Nothing is more important to the future of our Nation that the education of our children.

The ideas we propose today are confident reform, rooted in tested principles, parents, teachers and principals, the ones who know our children best, should have the greatest influence on their classrooms. The needs of America's schools differ from community to community, and we help them most when we empower them to make wise choices for the children in their care. Our money, manpower and energy should be primarily devoted to teaching children, not to filing paperwork and fueling bureaucracies.

These commonsense proposals have broad appeal. They have received strong bipartisan support. Every Democratic Governor in the country supports this bill. Last year, the President promised he would expand the program we are considering today to all fifty States. The bill passed out of

committee by a vote of 17-1 last July, and Secretary Riley strongly supported its enactment at that time. There is no reason why the Senate should not quickly pass the bill sponsored by Senators FRIST and WYDEN.

So the question before the Senate is really quite simple. It is not whether we will pass the Ed-Flex bill, for in the end the overwhelming majority of the Senate will support it. Rather, the question is whether the Senate will keep faith with the American people, by working together in a bipartisan fashion, to help America's school children. Republicans stand ready to do just that. The evidence of our commitment is the fact that we offer a bipartisan bill as one of the very first we bring to the Senate floor.

Republicans and Democrats have honest disagreements on many education initiatives. Democrats believe that new Federal categorical grant programs that distribute money to States and counties based on complex formulas are the best way to hire more teachers. Republicans believe that Federal dollars should be sent directly to the classroom so that parents, teachers, and principals can address the unique educational needs of their particular students, whether it be to hire more teachers, to provide special tutors, to buy new books or to teach computer skills. These differing philosophies will be debated, and ought to be debated, fully by the Senate. We will have ample opportunity throughout this Congress to do just that.

However, there is simply no need to have divisive debates on a bipartisan bill. So I urge my colleagues from across the aisle to choose constructive progress over political posturing for the sake of improving America's schools.

Ed-Flex works for America's children. It proposes a simple exchange. States will hold schools accountable for their performance in return for granting each school the freedom to determine how best to achieve those results. This is not an untested premise. Currently, twelve States have this authority. The results have been promising.

In Texas, Ed-Flex schools outperformed those without waivers by several percentage points on student achievement scores. An elementary school in Maryland now provides individual tutors for its students who lag behind in reading. The same school has dramatically reduced class size in math and reading, providing one teacher for every twelve students.

The bill before us today simply expands the right to become an Ed-Flex State to all fifty States. It is strongly supported by our Nation's Governors, both Democrats and Republicans. Last month, the National Governors Association stated, "The expansion of the Ed-Flex program is a high priority for

Governors. . . . We strongly support this legislation as well as your decision to move forward at this time." The Nation's Democratic Governors joined together unanimously saying, "S. 280 is commonsense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment."

Governors across America are united. There is simply no reason why the Senate should not be as well. I urge my good friends and colleagues on the other side of aisle to listen to their Governors. Join us in supporting the prompt enactment of a simple bill that will provide meaningful reform to schools throughout our Nation. Let's not squander an opportunity to work together to demonstrate our common commitment to America's school-children.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of the House companion measure, Calendar No. 37, H.R. 800, and, further, after the enacting clause be stricken and the text of S. 280, as amended, be inserted in lieu thereof. I further ask unanimous consent the bill be read a third time and the Senate proceed to a vote on passage of the bill, as amended. Finally, I ask consent that immediately following that vote, the Senate insist on its amendment, request a conference with the House, and S. 280 be placed back on the Calendar.

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

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered.

The clerk will call the roll.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—98

Abraham	Boxer	Cochran
Akaka	Breaux	Collins
Allard	Brownback	Conrad
Ashcroft	Bryan	Coverdell
Baucus	Bunning	Craig
Bayh	Burns	Crapo
Bennett	Byrd	Daschle
Biden	Campbell	DeWine
Bingaman	Chafee	Dodd
Bond	Cleland	Domenici

Dorgan	Jeffords	Reid
Durbin	Johnson	Robb
Edwards	Kennedy	Roberts
Enzi	Kerrey	Rockefeller
Feingold	Kerry	Roth
Feinstein	Kohl	Santorum
Fitzgerald	Kyl	Sarbanes
Frist	Landrieu	Schumer
Gorton	Lautenberg	Sessions
Graham	Leahy	Shelby
Gramm	Levin	Smith (NH)
Grams	Lieberman	Smith (OR)
Grassley	Lincoln	Snowe
Gregg	Lott	Specter
Hagel	Lugar	Stevens
Harkin	Mack	Thomas
Hatch	McCain	Thompson
Helms	McConnell	Thurmond
Hollings	Mikulski	Torricelli
Hutchinson	Moynihan	Voinovich
Hutchison	Murkowski	Warner
Inhofe	Nickles	Wyden
Inouye	Reed	

NAYS—1

Wellstone

NOT VOTING—1

Murray

The bill (H.R. 800), as amended, was passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 800) entitled "An Act to provide for education flexibility partnerships," do pass with the following amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Education Flexibility Partnership Act of 1999".*

**SEC. 2. FINDINGS.**

*Congress makes the following findings:*

(1) *States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.*

(2) *Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.*

(3) *By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.*

(4) *State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.*

(5) *The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.*

(6) *Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, and maintaining such fundamental requirements as those relating to*

civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

### SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms “local educational agency” and “State educational agency” have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(2) OUTLYING AREA.—The term “outlying area” means Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(3) SECRETARY.—The term “Secretary” means the Secretary of Education.

(4) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

### SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATION FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an “Ed-Flex Partnership State”.

(2) ELIGIBLE STATE.—For the purpose of this subsection the term “eligible State” means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, including the requirements of that section relating to disaggregation of data, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) made substantial progress, as determined by the Secretary, toward developing and implementing the standards and assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting educational goals and for engaging in the technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b) of that Act; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such informa-

tion as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education;

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965;

(iv) a description of how the State educational agency will meet the requirements of paragraph (8); and

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(iii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe for each school year specific, measurable, and educational goals for each local educational agency or school affected by the proposed waiver;

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

(v) in the case of an application from a local educational agency, describe how the local edu-

cational agency will meet the requirements of paragraph (8).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance.

(5) MONITORING AND PERFORMANCE REVIEW.—

(A) MONITORING.—Each State educational agency participating in the program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) PERFORMANCE REVIEW.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and opportunity for hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(B) and the goals described in paragraph (4)(A)(iii) has been inadequate to justify continuation of such waiver.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans and to continue to meet the accountability requirement described in subsection (a)(2)(B), and has improved student performance.

(B) PERFORMANCE REVIEW.—The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 2000 through 2004.

(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed

waiver authority or waiver, 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.

(b) **INCLUDED PROGRAMS.**—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) **WAIVERS NOT AUTHORIZED.**—The Secretary and the State educational agency may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

(G) use of Federal funds to supplement, not supplant, non-Federal funds; and

(H) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) **CONTINUING ELIGIBILITY.**—

(1) **IN GENERAL.**—Each State educational agency that is granted waiver authority under the provisions of law described in paragraph (2) shall be eligible to continue the waiver authority under the terms and conditions of the provisions of law as the provisions of law are in effect on the date of enactment of this Act.

(2) **PROVISIONS OF LAW.**—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading “**EDUCATION REFORM**” in the Department of Education Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-229).

(e) **ACCOUNTABILITY.**—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State education agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results and goals described in the application submitted pursuant to clauses (ii) and (iii) of subsection (a)(4)(A), respectively.

(f) **PUBLICATION.**—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Reg-

ister and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

#### **SEC. 5. PROGRESS REPORTS.**

The Secretary, not later than 1 year after the date of enactment of this Act and biennially thereafter, shall submit to Congress a report that describes—

(1) the Federal statutory and regulatory requirements for which waiver authority is granted to State educational agencies under this Act;

(2) the State statutory and regulatory requirements that are waived by State educational agencies under this Act;

(3) the effect of the waivers upon implementation of State and local educational reforms; and

(4) the performance of students affected by the waivers.

#### **SEC. 6. FLEXIBILITY TO DESIGN CLASS SIZE REDUCTION PROGRAMS.**

(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 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.”.

#### **SEC. 7. FLEXIBILITY TO DEVELOP DROP-OUT PREVENTION PROGRAMS.**

(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 drop-out 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. 8. 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 \$150,000,000 to carry out such part.

#### **SEC. 9. FLEXIBILITY TO DEVELOP AFTERSCHOOL PROGRAMS.**

(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. 10. ADDITIONAL 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.

#### **SEC. 11. FLEXIBILITY TO DEVELOP PROGRAMS TO REDUCE SOCIAL PROMOTION AND ESTABLISH SCHOOL ACCOUNTABILITY PROCEDURES.**

(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. 12. ALTERNATIVE EDUCATIONAL SETTING.**

(a) **IN GENERAL.**—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(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.

#### **SEC. 13. FURTHER 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, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, as an Oregonian, I am especially proud this evening that a program that began in my home State—we were the first to get an Ed-Flex waiver—on the basis of this vote in the U.S. Senate, this program that began in my State is going to be expanded across the country.

I would like to spend just a couple of minutes of the Senate's time this evening, and first begin by thanking my colleagues who put so much effort into this.

Senator FRIST is here this evening. He and I have been living and breathing this legislation for well over a year.

I think it is worth noting that this began in the Senate Budget Committee. Senator DOMENICI worked on a bipartisan basis with a number of us. And this legislation began with hearings in the Senate Budget Committee.

I thank the Senator from Tennessee for the opportunity to work with him.

I also see Senator JEFFORDS here. He was especially gracious to me this afternoon. He pointed out that from time to time it felt a little lonely on their side. But I want to assure him that I think that this is truly bipartisan.

Senator DASCHLE every step of the way was enormously supportive in this legislation. I thank Senator KENNEDY. He had to leave this evening. But he worked very closely with us, especially on the accountability provision.

Now, shortly after dealing with the impeachment matter, the Senate can show that we have dealt with the premier domestic issue of our day—the premier domestic issue of our day—education, in a bipartisan fashion. It is always possible in the Senate and just about anywhere else to find something on which to disagree. The Senate ultimately resisted that proposition, and we went forward with something we could agree on, which is the principle that you ought to squeeze every dollar of value out of the Federal budget for education in order to help the kids, to help them raise their scholastic performance, to deal with the issues that were debated on the floor of the U.S. Senate.

I think my only regret is that to some extent in the last hours of this discussion it became a debate about whether you are for more resources for education or whether you are for more efficiently allocating the dollars that are currently obligated. I think that is a false choice.

I happen to believe that we are going to need some additional resources for the key education areas. We want our young people to get a good quality education so they will be ready for the high-skill, high-wage jobs of tomorrow.

But the single best way to go to the taxpayers when additional resources are needed is to show the taxpayers that you are efficiently spending the dollars that are currently obligated.

That is why Ed-Flex is so important. All across the country we saw that without Ed-Flex what you have is sort of a "one-size-fits-all" approach to education. Folks inside the beltway will say, "Well, what works in Coos Bay, OR, is what we ought to do in the Bronx, and what works in the Bronx

ought to be done in the State of the majority leader, the State of Mississippi." That doesn't make sense.

We ought to hold school districts accountable. But we also ought to give them the freedom to be innovative and creative and make those dollars stretch so that we can serve more poor schoolchildren.

The fact of the matter is that there is a school very close to the U.S. Capitol that has cut class size in half with Ed-Flex using existing dollars. They didn't spend \$1 more, not one, and they cut class size in half.

In my home State of Oregon, in one rural district, the poor kids weren't able to get advanced computing, because their school district didn't have the technology and they didn't have the instructors. There was a community college close by with Ed-Flex. Without any additional expenses to the taxpayers, those kids could go to the community college and get the skills they needed. Again, we see a concrete example of how with just a little bit of flexibility we can better serve the poor kids of this country.

We were on the floor of the U.S. Senate, I guess, for the better part of 2 weeks dealing with Ed-Flex, and not one single example of abuse was ever shown on the floor of the Senate—not one. But there were plenty of examples of how this program worked. I just cited one close by the Capitol that cut class size in half. In Texas, the scores went up with better use of technology. From one end of the country to the other, we see how this program has worked.

I know that my colleagues wish to speak tonight on this issue. But I just wanted to take a minute or two to talk about why I think this is a particularly good day for the U.S. Senate. There is no issue more important than this.

I see the majority leader is here. I want to express my thanks to him, and to TOM DASCHLE.

The fact is that this important legislation could have blown up 15 or 20 times in the last few days. And Tom DASCHLE and TRENT LOTT said that this was too important to let that happen.

Senator KENNEDY and Senator JEFFORDS hung in there as well, with Senator FRIST, who constantly came to the floor and just appealed to let this bipartisan idea, which every Governor in the country wants, to go forward. We were able to get it done.

I suspect the conference on this legislation will not be for the fainthearted. There are certainly differences of opinion on a number of the issues.

But this is a very good day for the U.S. Senate, and a good day for American families, because we have shown that we could tackle important issues.

Mr. President, I yield the floor.

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

Mr. JEFFORDS. Mr. President, I want to say thank you to the Senator from Oregon, because without him we would have had a much more difficult time. It was bipartisan from the start, and it ended up very bipartisan. We ended up, I think, with a 98 to 1 vote.

Also, Mr. FRIST, I am going to use 30 seconds, and then allow those who wish to speak longer to do so.

I want to express my particular gratitude to all the members of the Health, Education, Labor, and Pensions Committee, who have worked especially hard on this legislation. I very much value the time, effort, and commitment they have brought to this task.

I would also like to acknowledge the two sponsors of the Ed-Flex bill, Senators FRIST and WYDEN. It is in large part due to their dedication and commitment that we were able to pass this bill with such overwhelming bipartisan support.

Finally, I would like to extend my sincerest thanks to the many staff people who contributed to the passage of this important Ed-Flex legislation:

Sherry Kaiman, Mark Powden, Jenny Smulson, Heidi Scheuermann and Susan Hattan of my staff;

Townsend Lange and Denzel McGuire with Senator GREGG;

Lori Meyer, Meredith Medley, and Gus Puryear with Senator FRIST;

Paul Palagyi with Senator DEWINE; Chad Calvert with Senator ENZI; Holly Kuzmich with Senator HUTCHINSON; Julian Hayes with Senator COLLINS; Cherie Harder with Senator BROWNBACK; Jim Brown with Senator HAGEL; and Jim Hirni with Senator SESSIONS.

I also want to acknowledge the extraordinary assistance offered by Mark Sigurski with Senate Legislative Counsel, and Wayne Riddle with the Congressional Research Service.

Mr. President, I also thank all of the staff here who have worked so many hours to expeditiously pass this legislation.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I, too, will be very brief.

I believe that today has been almost a momentous day, and a very important day to set the stage, I believe, for the way, the manner, and the spirit in which I hope to see a lot of legislation be addressed over the coming months in the remainder of this Congress.

We started off with a bill that originated out of really a town meeting format where we have had people come and testify on the task force, and listen very carefully. People came forward, and said, "We have a program that works."

To be honest with you, 2 years ago I didn't know what Ed-Flex was. But somebody came forward, and said in a

community, as my colleague has just pointed out, that this program works.

We fulfilled exactly what the Federal mandate was, and what the Federal intention was. We took the appropriate funding—the Federal dollars that came down. But what the Federal Government allowed us to do through a waiver was to participate through Ed-Flex to accomplish that stated goal of fulfilling the intent of Congress, but in a way that we knew was best for us based on our local circumstances.

Not everybody needs a computer, not everybody needs tutoring, not everybody needs kindergarten, not everybody needs an extra teacher, but that varies from community to community, and the beauty of that is we took that idea, we discussed it, we developed legislation, we passed it through the committee last year, but we ran out of time last year. It was brought to the floor. It was one of the first major bills brought to this body, and after 7 days of intense debate, a lot of negotiation, we passed the bill here 10 minutes ago.

It is a momentous day also because the House passed a very similar bill, almost an identical bill, about 6 hours ago. And that means, because in a bipartisan way, in a bicameral way, meaning both the House and Senate, in a Federal, State and local way, meaning we worked very closely with the Governors, together we were able to pass legislation which, once it is signed by the President, can inure to the benefit of millions of children within 6 months or 8 months—millions of children. And that is nice. That is what people expect Government to do; produce in a spirit, in an environment where you can work together to accomplish the goals that we all care about.

A lot of people should be thanked, and again most of those names will be made a part of the RECORD, but I do want to recognize the coauthor and cosponsor of this particular bill, Senator WYDEN, who just had the floor.

Again, this is a bipartisan bill. Both of us knew what our goals were. We worked very hard on both sides. I appreciate his support, his collegiality as we addressed these issues.

As is so often the case, what we have accomplished in large part is as a result of the work of many staff members, and I do want to take this opportunity to thank the staff who were most immediately involved over the last year and a half. My own staff of Meredith Medley, Lori Meyer and Gus Puryear have literally been here with other staff members until early hours of the morning each night.

Again, most everybody has been recognized already, but I am going to take the liberty of going ahead and verbally mentioning them. Lindsay Rosenberg of Senator WYDEN's staff has been somebody whom my staff has enjoyed and I personally have enjoyed working with in this process as we have gone through it.

Senator JEFFORDS, the chairman, who has literally been in the Chamber every day for the last 7 days, does have the patience of Job going through this, looking at every bill and every word that comes forward with a response. And I just want to express my appreciation because he ushered this thing through in a very direct way and really put in both the time and the effort. He is the leader on our side in education. We cited again and again the number of bills passed last year under his leadership as chairman of the former Labor, Health and Education Committee. Currently, he is examining all public education, K through 12, through the Elementary and Secondary Education Act. I have the privilege of working on that committee with him and his wonderful staff who have been at his side. Mark Powden, Susan Hattan and Sherry Kaiman really all deserve our gratitude for their tremendous work over the last several days.

I am not going to list all the staff, but Senator GREGG, again, from whom we have heard so much about special education; Senator LOTT, who needs to be thanked because it would have been very easy after 3 or 4 days, when it looked as if gridlock—it was gridlock, but he, with the Democratic leader, agreed to keep this bill in the Chamber so we could address those issues, and that is what the American people expect. We addressed it with very good, very strong debate, sometimes too strong maybe, but we were able to work it out. And that bipartisanship in coming together, again, is what the American people expect. I thank the majority leader for allowing us to bring this to a resolution, to completion, to a product that we know will benefit, as I said, millions of children in the short term as well as the longer term.

I have to just briefly mention the Governors because it has been a fantastic relationship for me over the last month in that at least every day we, a Federal body, the Congress, the Senate, were in touch with all of our Governors, Democrat and Republican. I have talked to as many Democrat Governors as I have Republican, and America doesn't see that sort of interaction, but I think it is important for people to hear because so many problems, whether they be welfare, health care, or education, demand that constant dialog and discussion about what we do here at the Federal level, at the State level, as well as the local level.

Senator VOINOVICH, who is new to this body but a former Governor, spearheaded much of that. Governors Carper of Delaware, Ridge of Pennsylvania, Leavitt of Utah, O'Bannon of Indiana, and House Members Castle and Roemer all played a major role and were significant participants in what we have accomplished today.

With that, I think I will stop. I am very excited about this particular bill.

It accomplishes much in a way that I think will really set that track for the next several months as we consider other legislation. We do have a fresh start for education. It is a first step. It does not address all the problems, all the challenges in education, but it is a major first step.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 595 are located in today's record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. Mr. President, I see the Senator from Pennsylvania may wish to make a statement in a moment also, but if I could just do a couple of things here.

First, before the Senators leave the Chamber, the Senator from Tennessee and the Senator from Oregon, I want to again thank them for their effort. It was bipartisan because the Senator from Oregon, Mr. WYDEN, made it so, stayed in there, worked with us, but I particularly wish to thank the Senator from Tennessee, Mr. FRIST, the doctor, who gave us an education. He took us to school. He used apples and information and examples. He acted like a good teacher should. I congratulate him for that. He even showed us how you could use a scalpel to cut the redtape, and that is what this Ed-Flex bill will do.

So to the two Senators, I thank them for their leadership, for their work, for their persistence because they both have been heckling me about this bill for a year, and I am glad it is done. I congratulate them for their effort.

#### NATIONAL MISSILE DEFENSE ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to S. 257, the Missile Defense Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate will be able to have the initial statement by Senator COCHRAN, the manager, tonight. We will resume the missile defense bill on Monday, and it is our hope that an agreement can be reached on a time agreement and that amendments will be offered during Monday's session.

I urge that Members be present on Monday to make their statements on this legislation and to offer amendments, if they have them. This is a