

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

Mr. WARNER. I ask for the yeas and nays

The PRESIDING OFFICER. There is not a sufficient second at the moment.

Mr. WARNER. At the moment.

Perhaps I could engage the attention of my two colleagues. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

#### RECESS

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

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

Mr. McCONNELL. Mr. President, it is my understanding that I would be recognized to lay down an amendment at 2:15, and I am here to do that.

I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 384 TO AMENDMENT NO. 358

Mr. McCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 384 to amendment No. 358.

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

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

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

Mr. McCONNELL. Mr. President, I rise today to offer an amendment to the BEST Act which incorporates the provisions of legislation I introduced earlier this year, the Paul D. Coverdell Teacher Protection Act. This important legislation extends protections from frivolous lawsuits to teachers, principals, administrators, and other education professionals who take reasonable steps to maintain order in the classroom.

The Teacher Liability Protection Act builds upon the good work Congress began in 1997 when it enacted the Volunteer Protection Act. As Senators may recall, the Volunteer Protection Act provides liability protections to individuals serving their communities as volunteers. After bringing several volunteer protection amendments to the floor through the 1990's and introducing the Volunteer Protection Act during the 104th Congress, I was blessed when Senator Paul Coverdell joined me in helping to steer this measure through the 105th Congress and have it enacted in 1997. Now, we need to extend similar liability protections to our nation's teachers, principals, and education professionals who are responsible for ensuring the safety of our children at school.

Everyone agrees that providing a safe, orderly environment is a critical component of ensuring that every child can reach their full academic potential. Teachers who are unable to maintain order in the classroom cannot reasonably be expected to share their knowledge with their pupils, whether it be in math, science, or literature. Disruptive, rowdy, and sometimes violent students not only threaten the immediate safety of their classmates, they threaten the very future of our children by denying them the opportunity to learn. Unfortunately, teachers, principals, and other education officials share an impediment in their efforts to ensure that students can learn in a safe, orderly learning environment: the fear of lawsuits. All too often, these hard-working professionals find their reasonable actions to instill discipline and maintain order are questioned and second guessed by opportunistic trial lawyers.

Today's teachers will tell you that the threat of litigation is in the back of their minds and forces them at times to act in a manner which might not be in the best interests of their students. A 1999 survey of secondary school principals found that 25 percent of the respondents were involved in lawsuits or out-of-court settlements in the previous two years—an amazing 270 percent increase from only 10 years earlier. The same survey found that 20

percent of principals spent 5 to 10 hours a week in meetings or documenting events in an effort to avoid litigation. This is time that our educators should spend counseling students, developing curriculum, and maintaining order—not fending off frivolous lawsuits.

Mr. President, allow me to illustrate my point with several examples.

In May of 1998, representatives of the Bethlehem Area School District learned that one of their students, Justin Swidler, had created a web site where he solicited money to hire a hit man to kill his math teacher, Mrs. Kathleen Fulmer. According to a local newspaper account, the web site contained images of the principal being shot and "a picture of Fulmer which changed, or 'morphed' into a portrait of Adolf Hitler." The site, which bears a name I cannot repeat on the Senate floor, also listed reasons "Why Fulmer Should Be Fired" and then reasons "Why She Should Die." I think that deserves repeating: The list was not limited to the typical juvenile carping about a teacher. It listed why she should die.

The school district, much to its credit, expelled Justin Swidler. However, rather than encouraging young Justin to take responsibility for his actions, the response of Justin's parents was all too predictable—they hired a lawyer and they sued. First, they sued the school district. Then, they sued the principal. After that, they sued the superintendent. Finally, in the coup de grace of the litigation, the Swidlers sued the teacher whom their son had threatened to kill. I repeat, the parents sued the teacher whom their son had threatened to kill.

What reasons did the Swidlers give for their suit? They claimed, among other things, to have suffered "embarrassment, ridicule, humiliation, isolation and severe emotional distress" as well as financial loss and "inconvenience." The Swidlers wanted the school to pay because they suffered "embarrassment" and "inconvenience" because their son threatened the life of his math teacher? That is utterly outrageous. The boy's father, Howard Swidler, also claimed his son had difficulty enrolling in a new school because "teachers wouldn't provide recommendations." I can imagine that. The teachers at Nitchmann Middle School didn't want to write a letter of recommendation for this kid who had compared a fellow teacher to Hitler and threatened to have her killed. What nerve of those teachers not to write a recommendation under those circumstances.

These lawsuits and countersuits dragged out in the courts for more than 2½ years. During this time, good reputations were besmirched, distinguished careers were ruined, and each party accumulated what we can only estimate to be thousands of dollars in legal bills.

After all of this litigation, who finally won here?

The student didn't win. His expulsion was upheld and worse yet, he learned from his parents that the appropriate way to defend indefensible behavior is to file a lawsuit. That is what he learned.

The teacher didn't win. Upon returning to teaching, she found that the publicity surrounding the case had irreparably damaged her credibility in the classroom, and she was forced to leave her chosen profession.

The principal didn't win. He found himself so thoroughly frustrated and saddened by the toll the incident had taken on his school, he decided to take early retirement.

Justin's classmates didn't win. The school's students were denied resources which should have been used for their education that were instead used to defend the school from a lawsuit.

After all of this, I think the only possible winners in this case were the lawyers who generated 2½ years worth of billable hours, from the Swidlers, the Fulmers, the principal, the school district, and, yes, the students.

Let me give you another example.

Three students in Anchorage, AK, were caught accessing pornographic material over the Internet during a computer class at school. The school, acting within its discretion, removed the students from that class and gave them an F for the semester. However, one of the students had earned a grade point average which placed him at or near the top of his class. Realizing that the F would prevent the student from being honored at his graduation, the student's family hired a lawyer and sued the school.

After a protracted legal battle, the school was forced to withdraw the F in a settlement once the judge warned the school he would likely rule against it. Is this what we want? Do we want lawyers and judges deciding what grades a student should receive or aren't we better off leaving this to the teachers in the classroom and principals in the schools?

Another example: Last year, a high school cheerleading coach in Lebanon, TN, required her squad to run some laps during practice. One of the girls objected to this assignment and referred to it as a "piece of [blank]". In response to the girl's insubordinate and vulgar language defying her coach in front of her teammates and classmates, the coach suspended her for an upcoming game against Lebanon's arch rival, Mount Juliet High.

Those of you who have been listening closely to my remarks can guess what the girl's family did next. Why, of course, they hired a lawyer, and they sued the coach. What is amazing is that the cheerleader won an injunction against the coach hours before the ball game with the court requiring that she

be given the opportunity to cheer. While this case might cause us to chuckle, it points to a real problem. It sends a horrible message to wayward students that school officials don't have any real authority and students don't take any responsibility. If you don't like a teacher's decision or a principal's decision, just hire a lawyer and sue the teacher. Don't listen to your teacher; listen to your lawyer.

These are but a few of the instances in which frivolous lawsuits threaten to undermine discipline in our Nation's classrooms. While each of these cases is troubling, what I find more disturbing are the cases that aren't publicized at all. These are the cases where the teacher or principal looks the other way or decides not to discipline a misbehaving student because of the fear—the fear—of a lawsuit.

Many educational organizations recognize frivolous lawsuits as a problem. That is why the Teacher Protection Act has the support of the National Association of Secondary School Principals and the National Association of Elementary School Principals. I respectfully ask unanimous consent that letters from these organizations be printed in the RECORD.

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

NATIONAL SCHOOL BOARDS ASSOCIATION,  
*Alexandria, VA, Apr. 27, 2001.*

Senator MCCONNELL,  
U.S. Senate,  
*Washington, DC.*

DEAR SENATOR MCCONNELL: The National School Boards Association (NSBA) understands that you plan to introduce an amendment to the Elementary and Secondary Education Act (ESEA) regarding liability protection for school officials who take reasonable actions to maintain order, discipline, and an appropriate educational environment. NSBA is pleased that the amendment extends liability protection to individual school board members.

This provision is necessary because frequently, a student will sue the school district (meaning school board), and then they will sue the teacher, the principal, the superintendent, and the board members in their individual capacities. As a result, the school district expends time and money defending these claims brought against school board members acting in their individual capacity. School district budgets are stretched too far, and unnecessary litigation results in less money being spent on educating our nation's students. Providing individual school board members liability protection will reduce litigation costs in local school districts and will also provide for the swift dismissal of suits against individual school board members.

We recognize that this narrow exception may raise concern that professional staff might feel they have a "free hand" in the discipline of students. In this regard, it should be emphasized that with respect to school discipline, professional educators are subject to school district policies, court enforceable due process requirements, and in any extreme cases, the criminal code. And when it comes to such areas as criminal conduct and gross negligence, the exemption of this amendment would not apply. In all

cases, the school district can still be sued. Accordingly, this amendment retains the limits and deterrence of possible professional error or misconduct through other legal avenues while enabling school officials to do their jobs, without fear of litigation, in rendering their sound judgement in the great majority of situations involving student safety and a sound learning environment.

NSBA supports your effort to provide liability protection to individual school board members and looks forward to the measure being adopted when the full Senate considers ESEA. If you have any questions please contact Lori Meyer, director of federal legislation, at 703-838-6208.

Sincerely,

MICHAEL A. RESNICK,  
*Associate Executive Director.*

NATIONAL ASSOCIATION OF  
SECONDARY SCHOOL PRINCIPALS,  
*Reston, VA, Feb. 28, 2001.*

Hon. MITCH MCCONNELL,  
U.S. Senate, *Senate Russell Office Building,*  
*Washington, DC.*

DEAR SENATOR MCCONNELL: On behalf of the National Association of Secondary School Principals—the preeminent organization representing the interests of middle level and high school principals, assistant principals, and aspiring principals—I would like to thank you for introducing S. 316, a bill that provides for teacher and principal liability protection.

As a nationwide survey of principals conducted last year indicates, schools across the nation are eliminating or altering basic programs and activities due to the fear of lawsuits. Twenty percent of those responding reported spending 5-10 hours a week in meetings or documenting events in efforts to avoid litigation and six percent put that number at 10-20 hours a week. At a time when society is heaping greater academic expectations on our schools, we cannot afford to lose one minute, or one dollar, or one school program to frivolous litigation.

There is a growing shortage of qualified candidates applying to be principals occurring at the same time that roughly 40 percent of practicing principals are expected to retire from their jobs within the next five to ten years. A study conducted last year by the Educational Research Service on behalf of NASSP and the National Association of Elementary Principals reflects that two of the three primary reasons that discourage candidates from applying is because the position is too stressful and there is too much time required for the requisite responsibilities. There is no doubt that frivolous lawsuits and activity related to that litigation contributes to the level of stress experienced by principals.

While we applaud your efforts to provide liability protection to teachers and note that the bill's definition of "teachers" is inclusive of principals, we believe the title and references contained in the bill should reflect this intent. Principals, as school leaders, are typically named on lawsuits involving teachers.

Sincerely,

GERALD N. TIROZZI, Ph.D.,  
*Executive Director.*

NATIONAL ASSOCIATION OF  
ELEMENTARY SCHOOL PRINCIPALS,  
*Alexandria, VA, March 13, 2001.*

Hon. MITCH MCCONNELL,  
*Russell Senate Office Building, Washington,*  
*DC.*

DEAR SENATOR MCCONNELL: On behalf of the National Association of Elementary

School Principals (NAESP), representing more than 28,000 elementary and middle school principals, I am writing to express our support for your bill, the Paul D. Coverdell Teacher Liability Protection Act of 2001. If enacted, this measure, S. 316, would be helpful to principals, teachers, and other professional school staff. While we welcome accountability, we are very concerned about the proliferation of lawsuits.

Recent surveys conducted by NAESP and the American Tort Reform Association indicate that there has been a significant increase in lawsuits against educators. Nearly a third of the suits were dropped, about one-quarter were settled out of court, and the remainder were resolved in the principal's favor. Virtually no judgments were found against principals, a fact that leads one to conclude that many of the suits could be described as frivolous. Each time there is a lawsuit, valuable time must be taken away from the teaching and learning process and devoted to legal matters. A principal in Washington State spent more than 100 hours one year on legal work surrounding one special education case. This principal is responsible for a school with 500 students and a staff of 40. Not only do lawsuits exhaust many hours; even worse is the effect they have had on principal-student and principal-family relationships. Principals are increasingly cautious about the decisions they make, including implementing changes in the way students are taught and disciplined. This is obviously a hindrance to effective school reform efforts. The simple act of comforting a child in distress has also changed; no longer do school staff members feel that they can put a hand on a child's shoulder to calm the child down or provide an encouraging pat on the back.

Although your bill's title refers only to teachers, its definition of "teachers" clearly includes principals, and we appreciate that. Thank you for your work to turn down the heat, so to speak, and discourage unnecessary lawsuits.

Sincerely,

VINCENT L. FERRANDINO,  
*Executive Director.*

Mr. MCCONNELL. In fact, frivolous lawsuits are such a concern to educators that many teachers unions tout liability insurance as a key reason for joining their union. The Missouri NEA advertises on its website that:

A \$2 million educators employment liability (EEL) policy is the cornerstone of MNEA's professional protection plan. The coverage, automatic with membership, includes up to \$2 million in damages and additional payment for legal fees for most civil and some criminal lawsuits arising out of job-related incidents while members are working.

In Texas, where the legislature has already adopted a comprehensive teacher protection bill, the Texas State Teachers Association, TSTA, touts its insurance program as a strong incentive for joining its union:

For the times when life goes haywire and people are reacting with emotions rather than reason, rest assured that TSTA is watching out for you. Our \$6 million liability policy sets a new standard for professional protection and coverage is automatic with your [union] membership.

For my Senate colleagues who question whether or not this is indeed a se-

rious problem, you ought to know that the Maine NEA disagrees with you. This is what the Maine NEA says:

If something happens to a student in your class, on your bus, or in your area of supervision, you can be sued and held individually liable. By virtue of your employment, you could place your home and savings at risk due to the claims of an angry parent.

However, Maine teachers should not fear, the e-mail continues:

All MEA members are immediately protected by NEA's \$1 million professional liability policy from their first day of membership.

This legislation is structured similarly to the Volunteer Protection Act of 1997 and is nearly identical to teacher protection legislation introduced by Paul Coverdell, S. 1721, in the 106th Congress. Simply put, this amendment extends a national standard to protect from liability those teachers, principals, and education professionals who act in a reasonable manner to maintain order in the classroom. It does not preempt those States that have already taken action to address this problem, and it allows any State legislature that disagrees with these strong protections to opt out at any time. Since the legislation builds on Senator Coverdell's fine work, my colleagues and I thought it would be highly appropriate that it bear his name.

At the same time, it is important to note that this amendment is not a "carte blanche" for that minuscule minority of school officials who abuse their authority. The amendment does not protect those teachers who engage in "willful misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety" of a student. Nor does the amendment preclude schools or local law enforcement entities from taking criminal, civil, or administrative actions against a teacher who acts improperly. Rather, the amendment is simply designed to protect those teachers, principals, and educational professionals from frivolous lawsuits.

This is not new ground for our colleagues in the Senate. In 1999, the Senate agreed to a similar amendment offered by Senator Ashcroft. During the second session of the 106th Congress, Senator Coverdell successfully included a nearly identical amendment in the Senate's version of the ESEA reauthorization bill. It was approved by this body by an overwhelming vote of 97 to 0. Unfortunately, as we all know, efforts to reauthorize the ESEA stalled on the Senate floor. It is now the appropriate time for the Senate to revisit this issue, and I hope give its full endorsement.

I look forward to working with my fellow original co-sponsors and the rest of the Senate to see that these important protections are enacted into law on behalf of America's hard working and dedicated teachers.

Again, Mr. President, we voted on this in the last Congress. This amendment was approved 97-0. It is my hope that it will be accepted by the Senate this year. It has widespread support on a bipartisan basis and would add greatly to the underlying bill.

I have completed my opening observations on the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the amendment now before the Senate?

The PRESIDING OFFICER. It is the McConnell amendment No. 384.

Mr. REID. Mr. President, I don't know what the unanimous consent request was of the Senator from Kentucky, but I ask unanimous consent that we go back to the Murray amendment that was pending prior to the break.

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

The Senator from Missouri.

AMENDMENT NO. 378 TO AMENDMENT NO. 358

Mrs. CARNAHAN. Mr. President, I commend my colleague, Senator MURRAY, for highlighting class size and the pupil-to-teacher ratio as a key ingredient to educational excellence.

A dramatic increase in the student population in all grades throughout the country has presented a serious shortage of teachers. During the past 8 years, as first lady and now as Senator, I have traveled across Missouri visiting schools in every part of the State. I have spoken with many dedicated educators who are frustrated by having classes so large that individualized instruction is impossible. Teachers do their best under the circumstances, but they are handicapped when those in our communities and government ignore the plight of our classrooms.

Missouri's classroom teachers know that smaller classrooms and more individualized attention to students translates into higher achievement scores, especially for children of low-income families.

Students in smaller classroom settings are more likely to graduate on time and less likely to drop out, and they are more likely to enroll in honors classes and to graduate in the top 10 percent of their class.

It is not only the number of kids in the classroom that concerns me but the physical condition of the classroom itself. Far too many school buildings are in need of repair. Two years ago, the U.S. Department of Education reported that about 25,000 of the Nation's existing school buildings had "extensive repair or replacement needs." The Department estimated that almost 12 million students were attending schools with poor roofing. Another 12 million were in buildings with outdated plumbing, and almost 15 million were in buildings with inadequate heating, ventilation, and air conditioning.

In Missouri's public schools, they face the daunting prospect of some \$4 billion in construction needs over the next decade. In addition, 59,000 children in Missouri study in portable classrooms. In Nixa, MO, the Nation's second fastest growing school district, all fourth graders at Matthews Elementary are in trailers behind the school.

Too many of our schools have a crisis of infrastructure. Allowing this is a sad commentary on our priorities in the 21st century. Because I believe that improved classrooms are essential to the future of our Nation, I will vote with Senator HARKIN later this week to provide a Federal investment in school infrastructure.

True, we must demand high standards and rigorous accountability in our schools, but reform can only come with the resources to do the job. It must come with flexibility for States and local school districts to meet their unique needs. Any nutritionist or mother will tell you that it takes good food to grow strong bones and bodies. Likewise, we cannot have strong schools if we starve the educational system.

At a time of record budget surplus, it is our moral responsibility to do what is right for our children. We need a major new commitment to public education. To do less is to falter in our stewardship as elected leaders and as parents and as citizens.

The time is now and the place is here. As the poet, Gabriela Mistral, reminded us:

Many things can wait, the child cannot. Now is the time his bones are being formed, his blood is being made, his mind is being developed. To him, we cannot say tomorrow, his name is today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CLELAND. Mr. President, last Congress the Senate debated the reauthorization of the landmark Elementary and Secondary Education Act. Unfortunately, that debate ultimately broke down over disagreement on the federal role in education and the course we should pursue to improve America's schools. That debate has now resumed under a new President and a new Congress. Today there is real bipartisan agreement on measures we can take that will lead to a better future for America's public schools and the fifty million students who rely on those schools to provide them with a quality education.

The Better Education for Students and Teachers Act, unanimously sup-

ported by the Senate HELP Committee, encompasses President Bush's emphasis on literacy and his laudable goals to improve reading skills in the early grades and among disadvantaged students. Consensus also exists among Republicans and Democrats alike that in order to improve student achievement, we must also improve teacher quality. What teachers know and can do are the single most important influences on what students learn, according to the National Commission on Teaching and America's Future.

And yet today in America, nearly one quarter of all newly hired public school teachers lack the qualifications for their jobs, and approximately the same percentage of all secondary school teachers—25 percent—do not have even a minor in their main teaching field. The BEST bill endorses President Bush's emphasis on the importance of improving teacher quality and his proposal for holding States accountable for providing all students with "effective teachers."

This brings us to the core of President Bush's education plan and the bipartisan BEST bill: the creation of a new accountability system which for the first time links Federal funding to school performance. This accountability system includes support for high standards for schools serving disadvantaged students; annual testing in reading and math for all students in grades 3 through 8; public dissemination of school-by-school data on achievement; additional assistance for low-performing schools; and consequences for schools which fail to make needed improvements. With this emphasis on accountability comes a new emphasis on flexibility—providing States greater freedom and choice in using Federal funds to address their own needs and special situations.

Given these important principles of bipartisan agreement, there still remain issues which divide this body—issues which have been discussed forcefully and effectively by Members on both sides of the aisle: the seminal issue of funding, the compelling need to upgrade and repair America's public schools, the priority of class size reduction, to name just three.

Research has repeatedly shown, for example, that class size directly relates to the quality of education. Students in smaller classes consistently outperform students in larger classes on tests, and are more likely to graduate on time, stay in school, enroll in honors classes, and graduate in the top ten percent of their class. I have supported in the past, and will continue to do so, a national effort to hire and train 100,000 additional qualified teachers to reduce class sizes in the early grades. It is an investment in reducing teacher turnover and in improving student performance.

As some Members have noted on this floor, the education bill has evolved

from the BEST bill reported out of committee. It is a work in progress, shaped by negotiations still on-going. During debate on S. 1, I intend to offer the provisions of my Immigrants to New Americans Act as an amendment. Information from the 2000 census shows that the impact from a dramatic surge in immigration is transforming the Nation.

This surge in immigration is increasingly challenging U.S. schools and communities from Florida to Washington State. My amendment would provide resources to these communities to help ensure that children with diverse linguistic and cultural backgrounds—and their families—are served appropriately. This amendment is based on legislation Senator Coverdell and I introduced in the last Congress, and it would provide funding to partnerships of local school districts and community-based organizations for the purpose of developing model programs with a two-fold purpose: one, to assist immigrant children achieve success in America's schools and, two, to provide their families with access to comprehensive community services, including health care, child care, job training and transportation. It has widespread support, including endorsement by the U.S. Conference of Mayors, the National Association for Bilingual Education, the League of United Latin American Citizens, and the National Council of La Raza.

At the appropriate time I will also offer an amendment that addresses the all-important issue of teacher quality. Each school year more than 45,000 under-prepared teachers—teachers who have not even been trained in the subjects they are teaching—enter the classroom. Astounding. We know, too, that those students most in need of help are those who have the least access to quality teachers and teaching. Just consider: Over half of title I resources go into teaching assistant salaries. Yet less than one-fifth of teaching assistants have a college degree, and only 10 percent have college degrees in the nation's poorest title I schools. This is a formula for student failure.

Fortunately, the education bill we are debating acknowledges the well-researched fact that the training of our Nation's teachers is the single most important in-school influence on student learning. The amendment I will offer allows States an additional option of providing funds to innovative collaborations of K-12 schools and institutions of higher learning devoted to professional preparation of teacher candidates, faculty development, the improvement of practice, and enhanced student learning.

The amendment I will offer now addresses the troubling issue of violence in our Nation's public schools. No other event in recent times has so united Americans—from Savannah to

San Antonio to Sacramento—as the student shootings in Littleton and Heritage High, and in other schools across the country. There is a consensus in every borough, town and city throughout the United States: Bloodshed in our schools cannot and will not be tolerated.

Therefore, I offer an amendment to the education bill that addresses the critical issue of safety in America's classrooms.

AMENDMENT NO. 376 TO AMENDMENT NO. 358  
(Purpose: To provide for school safety)

Mr. CLELAND. Mr. President, I ask unanimous consent to lay aside the Murray amendment we are currently considering in order to send my amendment to the desk.

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

Mr. CLELAND. I send to the desk amendment No. 376 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 376 to amendment No. 358.

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

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

(The text of the amendment is located in the RECORD of May 4 under "Amendments Submitted.")

Mr. CLELAND. Although data show juvenile violent crime decreased in the late 1990s, appearing to counter the predictions of a teenage crime wave, criminologists and policymakers remain concerned about the continued high level of juvenile violence. The tragic shooting at Heritage High School in Conyers coupled with the incident in Littleton, Colorado and the other recent senseless shootings in our Nation's schools serve as terrible indications of the seriousness of the youth violence problem. I have traveled throughout Georgia, speaking and exchanging ideas with students, teachers and parents regarding this critical issue. Although there is certainly no one answer to the problem of youth violence, I believe that an open dialogue among educators, students, community leaders, and law enforcement officials is a crucial first step.

In fact, a report issued by the Department of Education in August, 1998, entitled "Early Warning, Early Response," concluded that the reduction and prevention of school violence are best achieved through safety plans which: involve the entire community; emphasize both prevention and intervention; train school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and

to share their concerns or observations with trained personnel; establish procedures which allow rapid response and intervention when such signs are identified; and provide adequate support and access to services for troubled students. In addition, the Department of Justice's Bureau of Justice Statistics and the Department of Education's National Center for Educational Statistics found that in 1998, "students aged 12 through 18 were victims of more than 2.7 million total crimes at school . . . [and they] were victims of about 253,000 serious violent crimes . . ." Amazing. While overall indicators show declines in school crimes, students still feel unsafe at school.

Therefore, my amendment, the school safety enhancement amendment, which is based on legislation developed in the last Congress by Senator Robb of Virginia, would establish a National Center for School Youth Safety tasked with the mission of providing schools with adequate resources to prevent incidents of violence. The National Center for School Youth Safety would establish an emergency response system, operate an anonymous student hotline, and conduct consultation, information and outreach activities with respect to elementary and secondary school safety. Under my amendment, the center would offer emergency assistance to local communities to respond to school safety crises, including counseling for victims, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

My amendment would also establish a toll-free, nationwide hotline for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior.

Finally, the National Center would compile information about the best practices in school violence prevention, intervention, and crisis management. Specifically, the center would work to ensure that local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime, giving special attention to providing outreach to rural and impoverished communities.

My school safety enhancement amendment would require coordination among three Federal agencies on the all-important issue of safety in our schools. Specifically, it would authorize a total of \$24 million in grants by the Secretaries of Education and Health and Human Services and the Attorney General to help communities

develop community-wide safety programs involving students, parents, educators, guidance counselors, psychologists, law enforcement officials or agencies, civic leaders, and other organizations serving the community. In order to establish the National Center for School and Youth Safety the amendment authorizes the Secretary of Education to make available \$15 million from amounts appropriated to the agency, and the Attorney General to make available \$35 million from amounts appropriated for programs administered by the Office of Justice Programs of the Department of Justice, for each of fiscal years 2002 through 2005.

Organizations that support this amendment include the National Education Association, the International Brotherhood of Police Officers and the Georgia Association of Chiefs of Police.

It is essential that we come together as a Nation to provide the necessary resources to support our children at every level and that means providing safe learning environments for all of our children. Therefore, I urge the Senate to support school safety and our children by adopting my amendment.

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered. The Senator from Washington.

Mrs. MURRAY. Mr. President, what is the pending amendment?

AMENDMENT NO. 378

The PRESIDING OFFICER. The Murray amendment was set aside temporarily for consideration of the Cleland amendment. Now the Cleland amendment has been set aside.

Mrs. MURRAY. I assume we are on amendment No. 378, class size.

The PRESIDING OFFICER. The Senator is correct. We are on the Murray amendment.

Mrs. MURRAY. Mr. President, we began the discussion this morning about the very important issue of reducing class sizes in first, second, and third grades. To me, this is one of the most important issues facing us as we debate the Elementary and Secondary Education Act: whether or not we are going to continue our commitment to first, second, and third grade classrooms across this country to ensure students are in a class small enough for them to learn the basic skills that all of us want them to learn: reading, writing, and math.

I see the Senator from Iowa is on the floor. He has been a very strong supporter of reducing class size in early grades.

I yield for him.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first I thank my friend and my colleague on the Education Committee, Senator

MURRAY from Washington, for always being in the forefront of this battle to make sure our class sizes are small enough so the kids can learn and teachers can teach. Truly, as I traveled around my State and traveled around the country, visiting different schools in different areas, Senator MURRAY's name has become synonymous with the nationwide drive to get smaller class sizes for all of our kids in elementary school. So I congratulate her for being our champion on perhaps one of the most important steps we can take to ensure success in school.

To hear tell from the administration and from President Bush, some would have you believe the most important thing we could do is test, test, test, year after year, as the most important way to assure success in school. I strongly agree with the need to demand greater accountability but if a teacher has 25, 28, 30 or more kids in a classroom, I don't care how many times you test them—you can test them every month, you can take their temperature every month—you are cheating those kids and you are cheating the teacher because that teacher simply cannot give the kind of hands-on instruction that the teacher needs to give to individual students. So the most important thing is not testing. I will say more about that later. The most important thing is to get the kids early in life.

I know Senator MURRAY was a preschool teacher. It is the most important job she has ever had in her life, I would say. It is more important than even being a Senator, as a matter of fact. And by serving on the school board, she brings the hands-on knowledge about education that so many of us probably lack.

I never taught school, and I have never been on a school board, so I put great weight and great credence on the positions taken by Senator MURRAY when it comes to issues of elementary and secondary education. I think Senator MURRAY has eloquently stated—not just eloquently but backed with the data and the facts—that smaller class sizes lead to better student performance and a healthier atmosphere in our schools. It reduces violence in our schools. When kids are not crowded together, when they have some space and they have that one-on-one with the teacher, their frustration level decreases and they can better learn and better associate with their peers.

In the debate we are going to have on elementary and secondary education, we are all going to have important amendments. I am going to have one on school construction, to help our schools meet that need. But really, when you think about what we need in the earliest years—kindergarten, first, second, third grade—this amendment, I submit, is the single most important. You can have the most modern class-

rooms in the world; you can have the best buildings; you can be wired for the Internet; you can have all this great stuff; but if you have one teacher teaching 30 kids, it doesn't mean a thing. So this really is the hub around which the rest of this is all spinning.

I have seen with my own eyes what has happened in the last couple of years in my State of Iowa with class size reduction. When you talk with teachers who have had 25, 28 students and they now have 18—I talked to one teacher in Iowa who had 15 students in a first grade class. She thought she had died and gone to heaven. She said: This is why I became a teacher. When I went through college and I got into student teaching, I remember I was in classrooms with 28 or 30 kids. I got out of college and I remember—the first class she told me about, I forget the exact number but it was 25, 26, 27, 28 kids. Now she has 15. She says now she can teach as she was taught in college. You could just see it on her face, just how she felt about her job. You could see it in the kids' faces, too. I will have more to say about that in a second.

This is what we are talking about. This is a picture that says it all. It is a modern classroom. It is well lit, well structured. There is plenty of work space. There are 18 kids. This is the Cleveland Elementary School in Elkhart, IN. That is the kind of classroom a teacher needs, to be able to give the kind of personal attention that a student needs. That is what we are talking about, that kind of classroom.

The Class Size Reduction Program has been a great success. Since 1999 when Senator MURRAY first started this effort, more than 29,000 teachers have been hired and more than 1.7 million children are benefiting because they are in smaller classes. Yet the bill we have—and I might say the budget we are going to be voting on tomorrow—will not allow us to continue this program. This is not the time to abandon the national commitment we have had in the past to reduce class size across America.

As I said, we have the data. We have the research. It has confirmed what we intuitively already knew, what students knew, what teachers knew: smaller classes boost student achievement. They get better grades.

We also know that minority students especially perform better than their peers in larger classes. The news release was put out on August 6 about Project STAR, the Student-Teacher Achievement Ratio. It is a Tennessee study. It tracked the progress of 11,600 elementary school students and their teachers comparing those who were randomly assigned to smaller classes—13 to 17 students for grades K-3—with those randomly assigned to larger class sizes—22 to 25 pupils—or regular size classes with a teacher's aide.

All the students were in regular-sized classes from the fourth grade on. So,

again, they compared the students in the smaller class sizes, 13 to 17 students, with students who were in classes that had 22 to 25 students. What they found was smaller classes have a greater effect on African-American students than white students. While students were in smaller classes, the black-white gap in achievement fell by 38 percent. That is significant, 38 percent. And it remained 15 percent smaller after the students returned to normal-sized classes after the fourth grade.

While they were in kindergarten through third grade, the gap between the score achievement results for students between black and white increased by 38 percent. Even when, in fourth grade, they went into regular size and bigger classes, it was 15-percent smaller than for those who were never in smaller classes.

Again, what we all know is if you get to them early in life and you give them good instruction and good teaching and good support, it carries on. If you cheat them out of that early in life, that also carries on.

How many times do we have to learn around here that patching, fixing, and mending will get you a little bit, but to do it right in the first place in kindergarten, first, second, third and, I submit, even in preschool, means you don't have to patch and fix and mend and repair later on, and you are much further ahead.

That is what this study shows. This was not just a small study; this was 11,600 students. The study says that smaller pupil-teacher ratios can account for almost all of the narrowing of the black-white gap since 1971 as measured by the National Assessment of Educational Progress exam.

The study says smaller classes increased the likelihood that black students who take the ACT or the SAT college entrance exams grew from 31.8 percent to 41.3 percent, a sharper increase than among white students, which grew from 44.7 percent to 46.4. If all students were assigned to a small class, the authors of the study wrote, the black-white gap in taking a college entrance exam would fall by an estimated 60 percent.

Think about that. If all students were assigned—they are extrapolating, I know. We have the study of 11,600. If you extrapolated that out, the black-white gap in taking college entrance exams would close by an estimated 60 percent.

When we talk about not leaving kids behind, let's face it. What are we talking about? Under the Bush budget that we see coming down the pike and we will be voting on tomorrow, he says leave no kid in the suburbs behind. Leave no kid behind who has well-heeled parents, or parents who are Senators, Congressmen, Presidents, or CEOs of major oil companies, or law

firms. Let's face it. We have good public schools. We are talking about the kids who have bad schools and poorly trained teachers. Yes, we are talking mostly about minority students.

As we talk about trying to leave no kid behind, we should be talking about not leaving behind those who are at the bottom of the economic ladder. That is really what we are talking about. You don't leave those at the top of the ladder behind. They are never left behind. We make a good living here. Our kids are never left behind. The sons and daughters of CEOs, of corporation lawyers and lawyers downtown and college teachers are never left behind. The sons and daughters of those who are new Americans, many of them immigrants who come to this country, and the African Americans who have been denied the opportunities for education in our country for as long as they have been here on our shores—and that goes back 400 years—is what we are really talking about, not leaving kids behind who are at the bottom rungs of the ladder.

If that is what we are talking about, then we need smaller class sizes because the study shows they are the ones who benefit the most. Everyone benefits for smaller class size. Don't get me wrong. But those who are minority students who come from the low socioeconomic strata of America are the ones who benefit the most.

The teen birth rate for those assigned to smaller classes is one-third less among white females and 40 percent lower for black teenage males.

Crime: Conviction rates were 20 percent lower for black males who were in smaller classes than their peers who were in regular size classes.

Perhaps these aren't statistically absolute, but statistically they show trends and what happens when you have smaller classes.

Again, we are talking about not leaving any student behind. This is really the hub of it. There is the center of the universe. A lot of it is spinning around out there in terms of having better schools and better trained teachers, better equipment, wired to the Internet, accountability, and testing. All of that is sort of spinning around out there. But in the center of all of it is how many kids per teacher are in these earlier classes. You can have the best trained teacher in the world. If you put him or her in a class of 30 kids and they can't teach well, those kids are going to be cheated.

This is really the amendment to say whether or not we really care about leaving any children behind.

As I said earlier, I have visited many schools in my State in the last couple of years since we started the class size reduction program. The enthusiasm and the support among the teachers, the principals, and parents is incalculable. Time after time they were say-

ing, thank you; it is about time we were doing this.

Last month I held two appropriations field hearings in Iowa. I heard from a lot of people about all aspects of elementary and secondary education. But I think the most poignant testimony had to do with class size reduction.

Jolene Franken, president of the Iowa State Education Association, has 30 years of teaching experience in Iowa elementary schools. This is what she told me:

Try teaching 30 students versus 20 students and see how much individual help you can give to students. . . . In order for teachers to do their best, they must know their students' needs, learning styles, strengths and weaknesses—these things are impossible with large class sizes.

Sherry Brown, Cedar Falls, testified on behalf of the Iowa PTA. She said:

The advantages of small class-sizes in the early grades on overall academic achievement are well documented, but the advantages also include improved parent involvement. When teachers have fewer students, they have fewer parents with which to communicate and are able to confer with them more frequently.

Maybe that is something some of us haven't thought about. After what Sherry said, I thought about it. It stands to reason that we want parents more involved with their kids' education. A lot of that has to do with the teacher talking to these parents and getting the parents involved. When you have a huge class and 60 parents, it is very hard to communicate with all of them. Cut that down by a third or more. Then you can see what Sherry Brown was talking about. They can talk to the parents more frequently.

During a visit to Starry Elementary School in Marion a while back, I spoke with Reggie Long, a first grade teacher for 30 years. She told me she really appreciated the smaller classes. She said:

It's nice because I can give individual attention to the kids. We just give them so much academically now. If you don't give them individual help, they can't succeed and we can't succeed as teachers.

The superintendent of the school district said:

The key to effective teaching is getting to know the students and parents.

William Jacobson said that it is easier when teachers have fewer students in their classes.

Two years ago, Angie Borgmeyer, a teacher in Indianola—my home county—had 27 students in her second grade class. I visited her last year, and because of class size reduction, she was down to 21 students. She thought it was still too many, but she said 27 was way too many. She said:

It's very difficult with that many students. When you're trying to teach them to read and give them basic arithmetic, you need to be able to do it in a small group and give them individual attention.

She pleaded with us to continue the program because her goal was to get

down to 18 students, where she believes she could really then fulfill her obligation and her commitment to being the best teacher possible.

The Class Size Reduction Program is simple. It is flexible. It is popular. So I, for one, cannot understand why we are having a problem. Is it budgeted? It can't be the budget. The budget has \$400 billion in some contingency fund—\$400 billion—for the next 10 years. So it can't be a budgetary matter. We have a surplus out there. We are going to give tax breaks, they tell me, to a lot of people. People who make over \$1 million a year are going to get tax breaks. So this is not a budget item. It is not that we do not have the money to do this. We do. It is a matter of priorities. That is all it is, a matter of priorities: what do we want to do?

Last week, with the help of Senator JEFFORDS, Senator MURRAY, Senator HAGEL, and others on both sides of the aisle, we adopted an amendment that appropriated \$181 billion for special education over the next 10 years to help us meet our goal of providing at least 40 percent of the average per pupil expenditure. We did that. And there is money to do that.

So it seems to me that, again, in our actions we could ask: Is that a priority? Yes, it is. Certainly it is a priority.

A few minutes ago I said that perhaps the biggest beneficiaries of smaller class sizes are our minority students. I take it back. I misspoke. The biggest beneficiaries of smaller class sizes are our students with disabilities—our kids who have special needs, who no longer are warehoused and pushed into institutions but are now living with their families and are going to their neighborhood schools with their friends and their neighbors, but they have special needs.

They may be physically disabled. They may be mentally disabled or a combination of both. But would anyone stand in this Chamber and say it is time to turn the clock back? That those kids should not be in the classroom? That we ought to go back to the old days that I know a lot of us remember, when kids with disabilities were sent across the State to some institution, deprived of the support of their families, deprived of their friends and their neighbors, simply because they had one disability or another? I bet there isn't one Senator who would stand in this Chamber and advocate that. I do not think there are too many people in this country who would advocate that.

We have come too far. We know that both the kids with the disabilities and the kids without the disabilities benefit from this interaction in our classrooms. We have seen it. We know it.

The kids without disabilities become more sensitized. They become more understanding. As I have said many times

in dealing with this issue of education and disability, when you put such kids together early on, then the fact that they are going to later associate in the workplace with someone who has a disability is no big deal.

When we first passed the Americans with Disabilities Act, more and more people with disabilities started getting into the workplace. I spoke in this Chamber many times and said: I know what people are saying. They are uncomfortable around people with disabilities. They don't know what to do. They don't know how to act. I have always said: Just be yourself. You'll be far ahead. But I understand that.

To break down that feeling of being uncomfortable or not being able to associate with people who have disabilities, put all children in school together. Let them play together. Let them grow up together. They will find that it is no big deal. So it helps kids with disabilities and kids without disabilities. It helps all of society.

What am I getting to in talking about this? I guess what I am getting to is that we put all this money into special education, to help our local school districts meet their obligations to educate kids with disabilities, but the biggest beneficiaries of small class size, I would submit, are those kids with disabilities.

If you have a big class, how much attention is that student with special needs going to get? If you have a smaller class, the teacher can pay more attention to both the minority students and the kids with disabilities.

So I correct what I said. I think the biggest beneficiaries of smaller class size maybe are not minority students but kids with disabilities. It seems to me, if we want to back up what we did last week, in providing the funds for special education, this is the amendment with which to do it, to make sure we have smaller class size.

Maybe this isn't the time, but I am constrained, nonetheless, to talk a little about an issue because it is going to come up—I anticipate that it will come up—and that is the whole issue of discipline and discipline in our schools.

It is a major issue. I am not in any way denigrating it nor saying the problem isn't there, that it does not exist. Of course it does. Any of us who have put kids through school know that it is an issue. But time and time again, when I have looked at the issue of discipline, especially when it concerns children with disabilities, who are under an individual education program, an IEP—which qualifies them under the IDEA program—most often, the discipline problem arises out of the frustration that this young person with the disability has because their special needs are not being attended.

I remember a classic case one time where we had a deaf child, a deaf student, in a classroom and they were

using visual aids, television. The kids would watch television as part of their learning program. I don't know whether it was "Sesame Street" or whatever. I am not certain what the program was. After a few days of this, the student who was deaf began to act up and throw things, hit other kids, became disruptive. What was the first impulse of the teacher? Get that kid out of class. The kid is becoming disruptive; I can't handle him.

They pointed out that the reason the kid was disruptive was because he didn't understand what was going on on the television—they didn't have closed captioning—because he had been deaf since birth. He had trouble speaking. So he was acting out his frustration by being disruptive in school. But when they fixed the problem, they put in closed captioning, it was amazing; the discipline problem went away.

You are going to hear more about this issue of discipline. Keep in mind how frustrated and angry some of these kids who have special needs and disabilities got, and they are not being supported so that they can get an appropriate education.

Again, I come back to my point. If we have smaller class size, the teacher can pay more attention to the student with special needs. Any way you measure it, I believe this amendment before us now is the key to having healthier, happier, more productive students, students who will go on to achieve more. The idea that somehow if we are going to test later on—we are going to test from the third to the eighth grade—we are going to test every year now, that somehow this is going to make them better students, there is a place for testing—but not without the support of the funding for it, though—if you don't have smaller class size, this testing isn't going to mean a thing. That is why we have to adopt this amendment.

I don't suppose the camera can pick these up. I had some other items here that were sent to me. Here are some second grade kids in McKinley School in Des Moines who made some posters for me, talking about how they felt with smaller class size.

Here is one that said: "There are more books and time to spend with adults." That is a second grader who wrote that.

Here is another one. I like this one. These kids are all standing in line to go into the library, and this student said: "It takes less time to do things."

Smaller class size means they don't have to stand in line so long to get their books. This is looking at it through the eyes of second graders who have seen what it means to be in smaller classes.

I like this one. This is Chelsea. Chelsea says: "There is more space in my classroom." The kids aren't crowded together. Think what it means to a child to have a little bit of space; they

are not all crowded together. It means a lot to us, too.

Here is another one. This is Miguel Gonzalez. He says: "We are not crowded." And you can see all the kids are happy. They all have smiling faces.

This is from Tony. Tony says: "More books so I can learn easier, from the library." I assume he means he can get more books so he can learn easier because it is not so crowded. He is reading a book about space, he wrote there. That is a second grade kid.

Here is one; this is Gentrie. Gentrie says: "I can spend more time with the teacher." Here is the teacher saying, "Hello, Gentrie." And here is Gentrie saying, "Let's talk." A second grade kid, through this picture, says: "Hello, Gentrie." She says, "Let's talk." With smaller class size, Gentrie can talk to her teacher.

That kind of sums it up in terms of the Murray amendment and what it means.

We are going to have a budget conference report, I guess, tomorrow. We put \$320 billion into that budget. Senator JEFFORDS and others, Senator SPECTER, Senator CHAFEE, had all voted to put more money into education. We had over \$300 billion that we put in for education over the next 10 years. The Bush budget had \$21.3 billion for 10 years. We said that is not enough. So we boosted that to \$320 billion over 10 years.

The House, interestingly enough, had passed the budget with the President's figure of \$21.3 billion in education over the next 10 years, an increase. Usually when we pass something here and they pass something different in the House, we go to conference and compromise somewhere between the two. We passed a \$320 billion increase in education over 10 years; the House passed a \$21.3 billion increase over 10 years. You would have thought that maybe we would have a compromise somewhere in the middle. The conference report has come back with has a zero increase for education. They didn't even take President Bush's \$21.3 billion, as meager and penny pinching as that was. They zeroed it out.

So the money we put in for education, the budget conference that we will consider later this week a zero increase, zero. What they did was they took all the money and put it in a contingency fund, \$400 billion in a contingency fund for 10 years. That pot of money can be used for anything, as I understand it. It can be used for anything we spend money on. So that means education is sort of put down on the level with everything else. It is not that important. We will just put it down with everything else. But this Senate, last week, said education was more important; that it deserved to be increased by over \$300 billion over the next 10 years. Later in the week we will have a budget conference report

that says: No, not only will we not even put in the President's \$21.3 billion increase; we will put in a zero increase for 10 years.

That is why I believe it is so important for us to have a strong vote on the Murray amendment for class size reduction. Once again, we have to tell those budget negotiators that what they did is totally inadequate, if we are really going to meet the needs of education over the next 10 years.

That is why I am hopeful we can have a good, strong vote on the Murray amendment. We know the figures. We know the facts. We have the studies. We know what smaller class size means. If we just stop and think to ourselves, think about our own educations and our backgrounds, it is just common sense. We really don't need a lot of study. Sometimes just good old-fashioned common sense tells us what we ought to do, that a smaller class is going to mean more individual attention. As Gentry said, she would talk to her teacher more. Teachers can talk to parents more. Common sense says we have to do it. We have to have smaller class size.

I guess the second question is, Can we afford to do it? Well, when you have \$400 billion sitting in a contingency fund, nonallocated, for 10 years, I say yes, we can. We were talking about \$1.6 billion last year. This amendment is \$2.4 billion. Let's see, if I am not mistaken, that would be about one-half of 1 percent, roughly, of what is in that contingency fund. Can we say we can't use some of that money to reduce class size? I think we have to follow common sense around here and recognize that, yes, we have the resources; yes, we are a rich enough country; yes, we have the money to do this; and we ought to do what is right.

We ought to adopt the Murray amendment and continue what we have done for the last couple of years, which is working. We know it is working. The parents love it, as do students and teachers. We know it is going to benefit the kids of America. Why stop now? I think the answer is, don't stop it now; keep it going. Keep reducing class size. Let our teachers teach the way they want to teach and our students learn the way they want to learn, in close relationships. We will have healthier and better schools in the future for America.

I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Virginia be allowed to proceed as in morning business for 5 minutes.

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

Mr. ALLEN. Mr. President, I will simply say the compassionate speeches we have heard are interesting and certainly true. Earlier today we had Senator KENNEDY's amendment, which will

give billions of additional dollars to localities for teachers so that children can have more individualized attention, or whether it is paying teachers more, or for teacher development, or stipends. That is a very good idea to empower local school boards to meet local needs as regards teachers.

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

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise, first, to support the amendment by the Senator from Washington regarding class size reduction. This is a very important amendment. It is one that will result in \$13 million of additional funds coming to my State of New Mexico in fiscal year 2001.

It is a very important initiative and one that I hope very much we can adopt as part of this bill.

I want to also speak more generally about the legislation that is before us and begin by complimenting Senator JEFFORDS, the chairman of the Health, Education, Labor, and Pensions Committee, and the ranking member, Senator KENNEDY, as well as our staffs for the fine work that has been done on this bill. It is an honor for me to serve on that committee with them and to have participated in the development of this legislation.

This legislation, the Better Education for Students and Teachers Act, contains many provisions that I support and many that I have advocated for some period of time. I am especially pleased with the new accountability requirements that are in title I of the bill and throughout.

The bill also maintains several of the most important programs that are targeted to specific problems that we see in my State of New Mexico and many other States.

For example, the bill makes a strong commitment to reducing the very high dropout rates that currently affect many in our schools. The bill includes a measure to ensure that all teachers are well equipped to use new technologies in their classrooms, to incorporate it into their teaching to expand opportunities for students in every school.

There are also provisions in the bill to encourage more advanced placement instructions to raise the level of academic performance in our high schools and middle schools leading into those advanced placement courses at the high school level.

Clearly, the centerpiece of the bill is this section related to accountability. For the first time, States and school districts and individual schools will be held accountable for improving the academic performance of all students.

I am pleased the President adopted many of these accountability measures. Senator LUGAR and I introduced a

bipartisan bill earlier this year. Many of those provisions now are contained in S. 1.

Implementation of tough and mandatory accountability standards is now a bipartisan effort. I feel very good about that. What we are implementing in this bill is a rigorous accountability system that demands results from all students, including those whom we have previously classified as disadvantaged students.

I want to take a minute to summarize the key components of this new performance-based accountability system.

The bill ensures that Federal funds will be directly tied to gains in student performance and, most importantly, it ties these funds to increased student achievement for all children. The accountability system incorporated in the bill goes a long way to ensuring that a primary goal of Federal funding is the elimination of the existing achievement gaps between disadvantaged and advantaged groups.

The components of the accountability system include:

First, raising standards for all students and providing an objective measure for that progress which can be effectively implemented through a grading system for States, school districts, and schools.

Second, focusing on the progress of disadvantaged students by setting separate goals for their achievement so schools must either show gains for those groups or be labeled as failing to make adequate progress as intended under the grading system.

Third, identifying schools that are failing to meet their goals in a timely manner so they can receive the additional resources and support to help those schools turn around; also, there are strict consequences if that failure turns out to be chronic.

Fourth, working to ensure that every class has a qualified teacher and that low-income and minority students are not taught by unqualified teachers at higher rates than other students.

Fifth, providing an expanded role for parents by expanding public school choice, establishing school report cards to inform parents about the quality of their schools, including the right to know their teacher's qualifications.

I do believe these strong accountability provisions in the bill are the right thing to do. They will improve academic achievement of all students, and I thank the chairman of the committee, Senator JEFFORDS, and the ranking member, Senator KENNEDY, and the administration for joining in promoting these tough new standards.

I also thank and acknowledge Senator LIEBERMAN and Senator Bayh for the important role they played in supporting these strong accountability standards.

I am also glad the committee included three other important measures

in the bill as it was reported. The first is the dropout prevention program I mentioned earlier. The second will help train teachers in the use of technology in the classroom. I also mentioned that. And the third expands the opportunities for students to take advanced placement courses while in high school. That I also mentioned.

All three of these measures have broad bipartisan support. All were adopted unanimously in the committee. The dropout program makes lowering the school dropout rate a national priority.

Paraphrasing, lowering the school dropout rate was one of the original goals former President Bush and the 50 Governors agreed upon in Charlottesville in 1989. Including it in this legislation is extremely important.

It is well known that the failure to acquire a high school diploma is one of the greatest barriers to future employment, earnings, and advancement. High school completion rates remain distressingly low in many communities across this country and, unfortunately, in many communities in my State of New Mexico.

The problem is disproportionately greatest among the minority and low-income students. Over 3,000 students drop out of school each day. Hispanic youth are nearly three times more likely to drop out of school as their Anglo classmates.

It does not need to be this way. There is now strong evidence that efforts that are focused on students most likely to drop out, especially at the ninth grade level, can dramatically improve the odds that those students will finish high school.

For example, in my State of New Mexico, Cibola High School in Albuquerque is using just such a focused effort and a small Federal grant to reduce its dropout rate from 9 percent to less than 2 percent in just 4 years. Last year, 86 percent of their ninth grade students earned all of their credits and moved on to the 10th grade.

The purpose of these dropout provisions in the bill is to try to duplicate Cibola High School's success at schools across the Nation.

There are three parts to the dropout program that are included in the bill. First is the creation of a national clearinghouse to get out information on research, best practices, and available resources to help schools implement effective dropout prevention programs.

Second, the bill establishes a national recognition program to spotlight schools that do successfully reduce the dropout rate.

Third, the bill authorizes a grant program to help schools implement proven approaches to reduce dropouts and put in place prevention programs.

I do believe that dropout prevention needs to be a national priority. The

need for this program is underscored by the President's increased emphasis on annual testing which is sure to raise concerns that dropout rates will increase as States try to meet their academic performance goals. This is a real danger, that students who are not doing well in the tests will be the ones most likely to drop out. With all the emphasis on test scores, States will not have any incentive to focus resources on keeping these kids in school. That is why the dropout prevention provisions in the bill are so important.

In addition, I believe it is critical that States be required to set goals to reduce those dropout rates and report their dropout rates along with their annual test scores.

Senator HARRY REID of Nevada has been a long-time champion on this issue and has cosponsored this dropout bill provision with me. I thank him for all his good work.

The bill also includes provisions from a bipartisan Technology for Teachers Act, that I introduced along with Senators COCHRAN, ROCKEFELLER, and ROBERTS. Technology does promise to transform education. Unfortunately, too many of our schools do not take full advantage of this opportunity simply because the teachers have not been properly trained to use the technology.

I am pleased this bill includes our measure to continue the successful "Preparing Tomorrow's Teachers to Use Technology" program. The program provides grants to consortia of schools of education and State and local education agencies to develop teacher preparation programs to ensure that new teachers have the tools they need to take full advantage of new teaching technologies in their classrooms.

Another important new measure included in the bill is the Advanced Placement Program. This bipartisan program is cosponsored by Senators Hutchison and Collins. Advanced placement programs provide high school students with challenging academic content. They raise the bar for academic standards. They allow students to earn valuable college credits. I believe it is very important that the Federal Government support efforts to expand this program.

We have a superb example of what can be done in advanced placement instruction in Hobbs High School in my home State. It increased the participation rates in advanced placement instruction by 550 percent in just 3 years in that school district. A statewide program in New Mexico that helps low-income children pay for the cost of the tests has helped boost participation by 74 percent for Hispanic students, 300 percent for African Americans, and a remarkable 950 percent for Native American students. This is an important provision and one I feel very good about seeing in this bill.

I also believe S. 1 is a good bill and reflects a strong bipartisan basis for fundamental reform of Federal education programs. I hope we can maintain this spirit of bipartisanship that has been able to prevail. I am a cosponsor of Senator MURRAY's class size amendment. I strongly urge the Senate to vote to include that in the bill.

I will also be offering two amendments to deal with an issue I believe the States are not in a position to properly address. The first addresses the issue of school security and basic student and teacher safety. Senator TIM HUTCHINSON is a cosponsor. The other amendment is to expand a successful pilot program to create small learning communities within larger schools, the so-called schools within schools. Both of these have passed the Senate before. I am hopeful the Senate will agree to include them in this BEST bill.

I would like to conclude with one final point. I do think it is important for all Senators to remember this is an authorization bill. I expect it will pass with bipartisan support. But the real proof of the will and determination of this Congress to improve education will come in the appropriations process.

On the one hand, President Bush has imposed a variety of new requirements on the States including annual testing, but on the other hand the administration's budget, at least so far, does not provide significant increases for education. I support many of the proposed reforms, but so far I have failed to see the commitment of resources needed to make those reforms possible. I, for one, intend to be speaking out. We need appropriate funding levels for education this year and for each of the years covered by this 7-year authorization bill.

I do believe that much of what we are proposing in this bill will not be successful unless we are willing to make the full investment of Federal funding required. What is called for now is an investment in our children's future, an investment I believe our children deserve.

I thank the chairman of the committee, Senator JEFFORDS, and Senator KENNEDY, and their staffs for their fine work. I look forward to continuing to work with them and the other members of the committee as this bill moves from the Senate floor and into conference. I hope we will soon see this important legislation signed into law and appropriately funded.

I yield the floor.

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

Mr. BIDEN. Mr. President, I rise to support Senator MURRAY's amendment.

I make an observation at the outset. I do think this amendment suffers in one sense. It suffers from the "not invented here" syndrome. That is, I have

not heard anybody yet—I am hopeful to hear it—come forward and say why smaller classes are not better and why the United States of America and the Federal Government should not help in accommodating most States and counties and cities change individual classrooms to smaller sizes.

Maybe there is something of which I am unaware. I am anxious to hear it. I have been listening back in my office to this nondebate debate because everybody seems to be for it, based on what is going on, other than an oblique reference that is not good from one quarter. But other than that, I have not heard why smaller classes are not better.

I am amazed any Senator would come to the floor of the Senate to argue that reducing class size is not good for children. Occasionally we run across those things that are so obvious on their face there is no debate about it. I do not know anybody—educator, noneducator, able to read, not able to read, with a Ph.D., with just a high school education—I do not know anybody who would make the argument that if you are given the same teacher, competent or incompetent, that teacher is more likely to get more information in the heads of the children in his or her class if there are 2 students than if there are 5, if there are 5 instead of 15, if there are 15 instead of 45. It just is so self-evident.

Results from both standardized tests and from curriculum-based tests show students in smaller classes continually outperform those same students in larger classes. These results span urban and rural schools, among low-income and wealthy students. In fact, when class sizes were decreased for minority students, their achievement rates doubled—that is right, doubled.

There are certain things I do not know why we spend so much time debating, they are so self-evident, such as the idea that we would be better off in this country and more likely to raise the achievement level of all our children in direct proportion to how many children had to compete for the teacher's attention.

Children would lose a lot if everyone had Plato as a teacher because they would not learn to interact with other children; they wouldn't be involved in sports; they wouldn't learn social skills. But, my Lord, does anybody think they would not learn more information if they had one brilliant teacher and one brilliant student, no matter how slow and how fast?

Everybody knows this. The question is whether or not we are willing to put our money, as a priority, on what we say is the single most important task facing this country—education of our children.

I ask anybody within listening distance of this microphone, on television or on radio, to ask themselves the fol-

lowing question—by the way, I teach. I taught as a student teacher when I was in law school to make money to get through law school. I now am a professor at Wyden University Law School, teaching an advanced course in constitutional law for two or three credits, depending on the semester, for the last eight or so semesters.

You don't have to know rocket science to figure this out. They tell me there are about 190 young people who try to sign up for my class every year. Because it is a seminar, it is limited to no more than 16 or 17 students, although I might note parenthetically that the school started putting 25 and 28 in my class. I finally went to the dean and said: I think it is too large. He said: Well, I guess you are right. And they decided to put fewer students in the class. They changed the schedule to a Saturday morning, and it became inconvenient at the last minute. So for the last two semesters I have only had five to eight students. I promise you, as bad of a teacher as I am, when I had 5 students in my class, they learned a lot more than when I had 15, even in a targeted seminar.

My wife has been a schoolteacher for the last 22 years. She can tell you, as any teacher in a public or a private school—she taught in the public school; now she teaches at a junior college—that everything changes when you have fewer students—everything. Discipline problems change when you have 5 students as opposed to 10; or 15 as opposed to 45. Everything changes. The student who is self-conscious, or the student such as I when I was a kid who stutters, is much more likely to raise his or her hand with a small class than with a big class. The kid who raises the devil or is shy is likely to engage more in a small class than a big class.

I don't get this. I don't understand why this is even a debate. I really truly don't.

Some of my conservative friends believe in the devolution of power, which is the new, as they say, paradigm for Government. It is a fancy word of saying the Federal Government has no responsibility.

If you conclude that the Federal Government has no responsibility to deal in any way, directly or indirectly, with elementary and secondary education of our students in the States and localities, then I accept your "no" vote as being based upon a rational principle. I disagree with your principle, but it is rational. It is rational to say the Federal Government should not be involved at all; ergo, I am against 100,000 teachers. I got that. I figured that out. There are some in this body, many at the Cato Institute, and many at the Heritage Foundation who believe that. I think many of the people, including President Bush, may believe that. I don't know. But I understand that.

However, I do not understand anyone making the argument that the distinguished Senator from Washington is wrong—if I am not mistaken, she used to actually teach—when she says that it is easier to communicate information, build confidence, and encourage involvement when you have a smaller class than when you have a larger class.

Why do you think we pay so much money to send our kids to private universities as opposed to public universities? I went to a public university. I am very proud of my university, the University of Delaware. My son went to a large law school. In our State, we don't have a large public law school. My son went to Yale. He had five, six, or seven in his class. The fact is, I didn't get into Yale. Thank God I have a smart son.

But all kidding aside, why do you think we pay all this extra money? Many of these brilliant young people sitting behind us and the ones who advise us went to those schools. They went there because, in part, of the teacher-pupil ratio.

Why do you think when you send your kid to a university and you get that little book, which we all learn—there is a book that gives the ratings of all the colleges—why do you think, in addition to telling you the size of the library, the size of the student body, the endowment, and how many Nobel Laureates they have, part of the rating of whether they are a good or a bad school is based upon the teacher-student ratio?

I get confused here. Maybe I am a little slow. But if, in fact, it matters when you are a 22-year-old doctoral student to have a smaller class, tell me why it doesn't matter when you are a 7-year-old first grader? I don't get this. I think we need a little bit of truth in packaging here.

This is not my legislation. I am a follower. But I am ready to be a soldier. I hope someone will come to the Chamber and debate with us about why smaller class size is not a good idea.

Good. Maybe my friend is about to do that. I would love to have that debate.

Simply put, smaller classes can dramatically improve the quality of a child's education, whether they are slow, or fast, or whether or not they are the brightest candle on the table. All of them will benefit marginally more by a smaller class.

We began this initiative under the leadership of the Senator from the State of Washington 3 years ago in an attempt to reduce class size in grades 1-3 to no more than 18 students. I co-sponsored that amendment with Senator MURRAY in her effort to continue this program in subsequent years.

I would like to think that the 100,000 teacher initiative would be as successful as the 100,000 cops initiative that I authored in 1994. I don't think it is an

accident that overall crime has gone down 7½ percent per year because we added 100,000 cops on the streets in addition to other initiatives. The Federal Government has no strings attached in terms of having any control over the cop any more than having any control over the teacher. The State, the district, and the locality control that teacher. But as we say, there are certain national priorities.

No child should be left behind. One of the ways to make sure no child is left behind is to do just what every parent does in the supermarket or department store: Don't let go of her hand. Don't let go of his hand. And if you have 45 students in the class, you can't hold all their hands, figuratively speaking.

So the degree to which you want to be assured that children are left behind, increase class size. The degree to which you want to diminish the possibility of any child being left behind, reduce class size.

Both the cops and teachers programs focus on putting resources where they can be most effective. For cops, it was the street. For teachers, it is the classroom.

In the first year, more than 29,000 teachers were hired. Now about 1.7 million children are directly benefiting from smaller classes.

In my home State of Delaware, a small State, our schools rely on this program to fund 115 teachers statewide.

While that may not seem to be a lot to some of my colleagues, those additional teachers can, and do, have a great impact in a State as small as mine. I debated the Senator's legislation on, I believe it was, "Meet the Press" about a year ago with the distinguished and serious Governor of the State of Pennsylvania, who was making the case that President Bush did not like this program. He pointed out—and I will ask permission to amend this figure in the RECORD if I am wrong—my recollection is there were a couple thousand teachers in Pennsylvania or 1,800. It was a big number.

I turned to my friend on that show, the Governor of Pennsylvania, and said: Well, then, I assume the Governor of Pennsylvania would like to send back the money. You don't want the teachers? They don't make a difference?

So I suggest that any Senator who is opposed to this program should stand up and in good conscience say: By the way, we have 270 federally funded teachers. I would like to send all the money back. I am sending a petition to my Governor saying: Don't take the money. Fire those teachers. Send them home. Or tell us why it isn't working in your State to help alleviate the myriad of problems public educators face every day. This program is working.

Now, in my humble opinion, is not the time to give it up, either by failing to provide the necessary funds for con-

tinuation or by block-granting them with other education programs because, do you know what happens when you block-grant? The last people to benefit are the teachers. The last folks who get anything in the deal are teachers. This isn't for the teachers. This is for the students.

Again, I make an analogy to the police. Before we passed the Biden crime bill in 1994, in the 20 largest cities in America, there was a net increase of less than 1.5 percent in the total number of those who were on police forces because—guess what—they did not want to hire police, not because they did not think they needed them but because they did not want to sign on to the commitment of year in and year out having to pay them. They did not want to pick up the fringe benefits, the health care, and so on.

So when you block-grant it, I promise you, they are not going to put it in hiring more teachers. They are not going to go into your local school districts and say: By the way, we block-granted the money. And now we are going to give, for example, Abraham Lincoln School in such and such a county, in such and such a State, money to hire three more teachers.

I hope I am wrong. But I will make a bet, if you block-grant it, a year after the block grant has been distributed, there will not be any more teachers than the day before it was distributed.

So, folks, it is a funny thing about education: you need a teacher. It is a strange notion.

I know of the incredible work Senator KENNEDY has done. And I say to my colleague from Vermont, and all the members of this committee—Republican and Democrat—they have done incredible work. But I cannot think of anything—anything at all—they have done that has the potential to have a more immediate impact on the amount of knowledge students in the United States of America attending public schools will acquire than reducing their class size. Maybe there is something out there—I do not purport to be an expert in education—but I am telling you, I can't think of anything in this bill more important.

So I urge my colleagues to stand with the Senator from the State of Washington, Mrs. MURRAY, and adopt her amendment and support the Class Size Reduction Initiative—unless they have another idea as to how they are going to guarantee us that the end result of our legislation will be smaller class size in the States and localities that voluntarily choose to participate in this program.

I thank my friend from the State of Washington for allowing me to participate and cosponsor this amendment. I compliment her and everyone else who supports this concept. I look forward to hearing opposing arguments on why smaller class size is not a good idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak in opposition to the Murray amendment. I want to build on the discussion that has gone on in this Chamber for several hours. I will focus on three particular points.

No. 1, very clearly, the goal of the underlying bill is to address the issue of how we can best, first, diminish the achievement gap—which has gotten worse over the last 30, 35 years, during which time the Elementary and Secondary Education Act has been in effect—and, No. 2, to boost the academic achievement of everyone, to make sure we are, indeed, preparing our young people today and those of tomorrow for their future: To realize that American dream, to make sure they can compete, not just adequately but in a powerful way, with their international counterparts.

I think the amendment of my colleague from Washington focuses, in a very important way, on a very important issue and that is the teacher-student relationship. For one of the first times in the debate in dealing with class size, we are focusing on the face of the child in the classroom and on the teacher at the head of that class.

We talk about programs a lot. We talk about money a lot. But this does take us down to the classroom, how we best accomplish the education of the child sitting in the classroom, with the teacher at the head of that class.

I will argue against the amendment, basically using the argument that another Federal program, another Federal approach is not the answer. It does not mean I believe class size is not important. That is not what I am saying. What I am saying is we need to find out how best to achieve what is needed in the classroom, to make the teacher and the students have a relationship that maximizes student achievement, learning, and to minimize and, hopefully, eliminate the achievement gap over time.

The second point I wish to address is this whole issue of looking at the teacher and the students in the classroom and figuring out what you can do to best take care of the needs of that class to boost student achievement.

In my mind, if you look at all the parameters, the most important is the quality of the teacher. We have an impending crisis in that area. In part it is because of demographics, and in part it is because of the attractiveness of the profession, and professional development. Much of that is addressed in the underlying bill—something we have not talked about very much.

The quality of that relationship—it does not mean quantity is not important—becomes first and foremost in importance, to my mind.

Thirdly, I believe the amendment by my colleague from Washington is unnecessary because if class size is an

issue at the school level—whether it is in Nashville, TN, or Alamo, TN, or Kingsport, TN—it can be addressed as it is spelled out in the underlying bill itself.

I want to refer back to the bill because we have talked very little about how that issue is addressed. A lot of people have not read the details of the bill itself as it relates to the issue of that teacher-pupil relationship in the classroom itself.

In the bill we allow schools to address their current classroom needs, to give them the flexibility and the freedom, the mechanism, to accomplish what the goal is: boosting academic achievement. It means we do have to examine that relationship between a teacher and a student. There are all sorts of variables. And you will hear that one is more important than another.

A big issue is how many students are in the classroom with the teacher. It is not quite that simple because it depends on the subject. Is it mathematics? Is it science? Is it teaching a child to read? Is it in a classroom where there is technology and there is a lot of interaction going on between the teacher and the students that we might not have had in the past?

A second issue is, how safe is that teacher-pupil environment where the teaching is occurring? The goal is to boost student achievement. It is an issue that is addressed in the underlying bill. But the point is, in the classroom there are all sorts of environments that have to be addressed. How conducive is that environment to learning? Are there disruptive students in that environment? How good is that teacher?

Earlier this week, and last week, we talked about failing to invest in the quality of our teachers. We are failing to give them the programs to make them more useful. Their intentions are good. They work hard. We have to look at their qualifications, their certification, and, lastly, what is the relationship of that teacher to technology today.

Again, in this bill, which people are just beginning to really focus on, there is a whole section to encourage the use of technology, to adapt technology to the use of that classroom, again, to reduce that achievement gap, to boost learning for everyone, and to maximize the use of the teacher at the head of the classroom and the children.

What is important in one school in one part of Nashville may be totally different than what is important in another school, say, in Memphis or in Anchorage, AK, or in Manhattan or on an Indian reservation. That decision should most appropriately be made by people in that community. Whether it is the teacher in the classroom, the parents looking in on that classroom, or the principal, they are the ones who

can assess how technology is most appropriately used; what is the size of that classroom; how safe is that environment; how disruptive are the other students; all of which is placed into this bowl of how best to boost student achievement and maximize the teacher interaction with that particular student.

The point is class size is one of those parameters and, indeed, in certain situations it can be very important. But rather than have another Federal program—because we have tried that; we have had a litany of hundreds of Federal programs over the last 35 years—that basically says, this is the problem and this is the way to fix it, why don't we have a program which—and it is in the underlying bill—says: Let's group and consolidate programs, including class size, but allow the decision on how to use those resources to be made by the teachers, by the principal, by the school district, the community, under the influence of parents, under the influence of local decisionmaking and local input.

It comes down to a fundamental difference, what the debate has been over the last several years since I have been in the Senate, on which we have disagreed many times in the past: Whom do you trust? Whom do you trust to identify the needs, to respond to those needs? Is it another Federal program or is it the teachers and the principals and the school board members at the local level?

Our approach, very clearly—the reason why I urge defeat of the amendment—is that, yes, we need more resources; yes, we need more money; we need to shine the spotlight on the issue of local control, but we want to free people up from government regulations, from another program, to allow them the how-to in boosting the achievement with decisions made locally.

The second issue I will discuss is when you look at the classroom environment which we all want to maximize and make conducive to learning, the teacher is very important. We are having an impending crisis in the quality of teachers at the head of the class. The U.S. Department of Education estimates that a whole wave of teacher retirements as well as the demographics of rising enrollments will force America's public schools to recruit over 2 million new teachers in the next decade. It is a matter of demographics and retirement.

I argue that instead of thinking about warm bodies, as you see this teacher and the student in the classroom, we absolutely must invest—and the good news is, the underlying bill does—in improving that teacher quality. Teacher quality in the classroom drives academic success. It is the single factor most likely to boost student achievement. Good teachers clearly

make the difference. We can all name our teachers. Both sides of the aisle have talked about teachers who have influenced their lives and the importance of that personal relationship in an environment which maximizes learning.

William Sanders, from Tennessee originally, has been quoted on the floor because he has looked at all sorts of issues and has been nationally recognized for studying the environment. Again, his conclusions and statistics and data have been used by both sides of this particular issue. He says:

When kids have ineffective teachers, they never recover.

Teacher shortages are going to hit a high in the year 2010. We absolutely must begin thinking right now about how to replace what equates to about two-thirds of our teaching population today that simply will not be teaching at that time. The factors are many. In large part it is demographic. We know that enrollments in public and elementary and secondary schools are projected to rise about 4 percent in the next decade. That, in and of itself, is going to require more teachers to fill the increasing number of classrooms. The average teacher today, 44 years old, means that school districts all across the Nation will have to brace for a whole wave of retirements occurring in the not too distant future.

Third, one-fourth of beginning teachers in my own State of Tennessee leave the profession within 5 years. More than half are teaching subjects in Tennessee outside their area of expertise or in subjects they were never trained to teach.

On the issue of teacher quality, the Thomas B. Fordham Foundation reported in a recent study:

College graduates with high test scores are less likely to become teachers; licensed teachers with high test scores are less likely to take jobs; employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return.

When you couple the critical importance of teachers with the fact that today America's students rank lower than their international counterparts in the fields of math and science and in reading, the issues we have talked about before, we clearly need to focus on quality teachers, on attraction of those teachers, supporting those teachers, and retention of those teachers. They are the key to motivating those students who may fall further and further behind—again, in part contributing to that increase in the achievement gap we all know so well.

It is important to understand that—and class size is one of them—the quality of the teacher is critically important to educating our children. I mentioned a few of the statistics, but if you just go through several about the qualifications of teachers today—

again, remember, we have identified a problem; we are making this diagnosis; and we want to respond in an appropriate way—only one in five full-time public school teachers feel well qualified to teach in a modern classroom.

More than 25 percent of new teachers enter our Nation's schools poorly qualified to teach. Twelve percent of teachers enter without any prior classroom experience.

If we look at inner-city schools, statistics are even worse. Inner-city students have only a 50/50 chance of being taught by a qualified math or science teacher. New teachers in the United States receive less on-the-job training and mentoring than do their teacher counterparts in Japan and in Germany. I have referred to the fact that U.S. teachers today who are in that classroom actually teaching our children lack appropriate training and knowledge of a particular subject.

The data is as follows: Many students are taught by a teacher who lacks either a major or a minor in the subject they are teaching.

Of the following statistics, these are people who do not have a major or minor in the field in which they teach: That is, 18 percent of social study teachers, 40 percent of science teachers, 31 percent of English teachers, 34 percent of math teachers.

In schools where more than 40 percent of the students are low income, nearly half the teachers are what is called "out of field."

I go into some detail about this issue of quality because the focus is very much on what goes on in the classroom. Then the question is: You have identified the problem. Is it being addressed in the bill? This brings me to my last point. Is the Murray amendment necessary? To answer that, I will argue, no, and I encourage my colleagues to vote against it. But it takes an understanding of what was done in the underlying bill and what is actually in the bill to understand why I can say with confidence that it is unnecessary as we focus on the teacher and the student in the classroom.

What we do in the first part of this bill is pool the funds and the authorities that are existing in programs which we have had in the past. We have talked about that in the last hour. The existing Eisenhower professional development funds and the class reduction funds, we haven't gotten rid of those. We haven't eliminated the class size reduction effort, but what we have done is put those together, consolidated them.

We pool those funds. And we do that with a very simple—this really comes down to the philosophical difference of what we think works and what will not work. We do that in order to give access to these resources to local communities to give them the flexibility to address their particular needs. In one

school, it might be class size and they can use those funds for that. Remember, we have not done away with the funds themselves. We list that as one of the appropriate uses. But it might not be and it might be that school would rather use those funds for an after-school program or for increasing the use of technology or the inclusion of technology in that program.

The point is that we have taken the class size reduction funds and the other funds and we have put them together and basically said, how you accomplish boosting student achievement or reducing that achievement gap is up to you at the local level. Why? Because you know whether or not you need another teacher in the classroom, a smaller class size, or better use of technology.

Real quickly—and I will be brief—what is in the bill? State activities: States may use these funds for a whole range of activities—certification of teachers, recruitment of teachers, professional development, or support for teachers. Local activities: Again, local decisions can be made whether or not to use these funds for class size, professional development, recruitment, or for the hiring of additional teachers.

Local accountability is built into the underlying bill. The evaluation plan of a local education agency must include performance objectives related to student achievement, relationships to teachers, how well teachers are performing, participation in professional teaching and development activities.

Lastly, in the bill, there is a whole series of sections that look at activities that address leadership by teachers, advanced certification and credentialing, supporting that activity by teachers, and transitioning to teachers for those people who might be midcareer and might need training to be certified to teach.

In closing, if class size is a problem in the school, under the Kennedy-Jeffords bill it will and can be addressed. There are resources there for that. Our approach is not another Federal program, not admitting a program. We have tried that in the past, and we have a litany of programs today that clearly have not been successful. We want those decisions to be made locally by teachers, by principals, by school boards, rather than Washington, DC. Since it is provided in the bill, I believe there is no need to create yet another program. I urge defeat of this amendment when we vote on it tomorrow.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that at 5:15 today, the Senate proceed to a vote on the Warner amendment No. 383, with no second-degree amendments in order to the amendment.

Mr. KENNEDY. Mr. President, reserving the right to object. I want to move this process along, however I haven't spoken on this amendment. If anybody else wants to speak, there

might be a few minutes in the morning. Understanding that we might be able to split that between Senator MURRAY and myself, I will not object.

Mr. REID. Reserving the right to object, I also say that Senator KENNEDY has indicated that he has someone lined up to do another amendment tonight—Senator FEINSTEIN—if that is in keeping with what the majority wants. We can debate that for a while tonight. I don't know if the leadership wants a vote tonight or tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank my friend and colleague for making the agreement, and we will move ahead with the vote shortly.

We are very hopeful of getting the process moving. There are currently about 70 amendments. Some are in the process of being worked through because they are under the jurisdiction of other committees.

There are also many outstanding amendments which are related to this bill, that need to be called up. We are prepared, as we mentioned last Friday, to work toward the continuation of debate on these measures and final resolution. I know the Senator from Vermont said we are prepared to stay in this evening, tomorrow evening, and Thursday evening. We are going to have time to debate the Budget reconciliation that we will take up sometime this week. However, we are quite prepared to deal with these amendments. We urge colleagues to bring them up. I am absolutely amazed, quite frankly, that Members are not prepared to bring up their amendments. We have known this bill is going to be debated on the floor. We are prepared to deal with this legislation.

I intend to ask our leaders on our side to request consent to establish a deadline for submitting amendments. We welcome our colleagues to submit amendments, and we want to try to have a full opportunity for discussion on these measures. It is about time we had good debate on this legislation. That is what I know my friend and colleague from Vermont is prepared to do. I am prepared to do that.

I make the plea to my colleagues on this side of the aisle to address these measures and do it in a timely manner. We understand the priority that the budget has, and we have all been around here long enough to know that unless some deadlines are established, unfortunately, we are not going to complete our business. I will work with our side and with the majority leader to try to establish a process where we can move in a timely manner. I will be glad to yield for a moment, but I would like to address this amendment.

Mr. JEFFORDS. I agree with the Senator 100 percent. I suggest that all amendments that are filed—only all

those filed by 5 p.m. tomorrow be considered to be voted on, or some appropriate language that would make that the law.

Mr. KENNEDY. That certainly is a proposal I could support. I will not offer that at this time, though.

Mr. BIDEN. Will the Senator yield for a unanimous consent request?

Mr. KENNEDY. I am glad to yield.

Mr. BIDEN. I ask unanimous consent that my amendment No. 386 be called up and then set aside, just so I make sure I am in this game.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment for this consideration?

Without objection, the pending amendment is set aside.

AMENDMENT NO. 386 TO AMENDMENT NO. 358

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 386.

The amendment reads as follows:

(Purpose: To provide resource officers in our schools)

On page 893, after line 14, add the following:

**SEC. \_\_\_\_ SCHOOL RESOURCE OFFICER PROJECTS.**

(a) COPS PROGRAM.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting “school officials,” after “enforcement officers”; and

(2) by striking paragraph (8) and inserting the following:

“(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;”

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

“(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;” and

(3) by adding at the end the following:

“(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

“(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

“(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

“(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.”

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

“(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended \$180,000,000 for each of fiscal year 2002 through 2007.”

Mr. BIDEN. I ask unanimous consent that my amendment be set aside.

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

Mr. KENNEDY. The pending amendment is the Murray amendment; is that correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I want to add my strong support for the Murray Class Size amendment. I have listened with great interest and always have learned from my friend and colleague from the State of Washington when she proposes this amendment. It is a subject that is not new to the Senate. We have voted on this, and we have seen its implementation for a number of years and the success that it is having in schools across the country.

I am always impressed by the fact that the Senator from Washington, who was a member of a school board and a great teacher, understands this issue and is able to address this issue from her personal experiences. We are so fortunate to have a Senator with that kind of experience proposing an amendment that can make an important difference in the education of children. I support this amendment, as I have in the past.

We have tried in the legislation to find various programs that enhance the educational capabilities of children. It is true, as the Senator from Tennessee said, that there can be a local option as to whether schools, under the title II provisions, want to use the funds for smaller class sizes or professional development. It is my strong position we

need both and we need a commitment in both areas.

That is what this is about. We did enhance the resources for recruitment, enhanced training of teachers, continuing professional development, mentoring, and the development of additional professional skills dealing with the important areas of child growth and development and child psychology area. These are enormously important.

If there is anything we have learned over the years, it is the power of well-qualified teachers in a class with a small number of students.

I am not going to take the time of the Senate to go through the research base supporting reducing class size, but the studies are very clear. Both the Star studies that have been done in the State of Tennessee, and the Sage studies in the State of Wisconsin show that reducing class size has positive effects on student achievement and classroom behavior.

I have traveled to the State of Wisconsin. I visited the classrooms. I heard the teachers. I talked with the parents. There has been dramatic and significant progress made in moving toward smaller class sizes.

That has been true in the State of California as well. I will read from the California report on the results from the first 2 years of class-size reduction:

California class-size reduction reports show that reducing class size improves student achievement. A study of the first 3 years of class-size reduction efforts in California shows that smaller classes have boosted student achievement in communities across the State for the second year in a row.

It goes on:

The evaluation shows those students in the most disadvantaged schools were most likely to be in larger classes or taught by less qualified teachers. Students in smaller classes outperformed their peers in larger classes even with less qualified teachers. These students could be performing even better if all the children in these schools had fully qualified teachers and smaller classes.

That is what we want: smaller class size and better trained teachers. That is absolutely essential. The Murray amendment will authorize continued funding to create smaller classes, hire additional teachers and provide those teachers with the professional development that they need to help every child succeed. We will have the continued commitment to smaller class size. With a strong bipartisan vote this morning, we will have the resources to make sure the neediest children in this country have well-qualified teachers in the classrooms, and those teachers will be able to give every student the individual attention that they deserve.

I am amazed at what the Senator from Washington was able to do with her amendment. It requires a simple one-page application. It will be available to any school district in the country. All they fill out is one page. Under

the formula devised in the Senator's amendment, they will either qualify or not qualify. It does not take a lot of grant writing. The school districts will know very quickly the amount that they are entitled to and how many classes they are able to impact. That will help move the process forward.

There is flexibility in the Murray amendment. If a school district reaches the smaller class size goal, it states in the amendment that they can use the resources for professional training for teachers. It is enormously important.

Senator MURRAY has built in flexibility. If a school achieves a lower class size in grades one through three, and they have the additional resources, they can reduce class sizes in other grades. The flexibility is there. If they are able to do all of them and still have resources left, they can use them for teacher professional development.

I want to use my last moments to bring a few things to the attention of my colleagues. First, we have the recent story on the achievement gains by the students of the Prince Georges County Schools reported in this morning's Washington Post. I point out the lead story: "Pr. George's Test Scores Show Best Gains Ever." It says:

Prince George's County students posted their highest gains ever on a key standardized test used to gauge how local children measure up to their peers nationally, according to the results released yesterday.

It gives the very encouraging results.

The superintendent was asked about the factors in ensuring these kinds of results. She said:

. . . as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings.

This is what they have been able to do.

Moving over to the jump page on A14, it talks about the importance of reading. That is in the BEST bill. We are in strong support of additional time for reading and math. We are all for that. It is in this bill.

The superintendent also commented on the importance of reducing class size in the lower grades and placing more emphasis on training teachers. This is exactly what we are debating today.

How many times do we have to see the same evidence before we learn this? We have the studies in Tennessee, Wisconsin, and California.

I have a report from the Mississippi Department of Education. I will mention what a few of the teachers have found. I will also include other comments.

This is from Suzanne Wooley:

The drop in the student/teacher ratio within the first grade this year has been a really great tool in our ability to help our children. Because of fewer numbers of children, we have had practically no discipline problems. The children are more like a team and they

expect the best from each other. This saves a great amount of our instructional time for actual instruction. My teacher's assistant and I are also better able to aid and instruct low-achieving students with their individual needs. We are giving much more time to the skills each student needs to work on. As a group, we are covering our "core-skill" material much more quickly and the children are "catching on" and learning the material more thoroughly.

Kelly Blacklaw:

This is the first year that I have taught first grade. However, I am accustomed to small groups, because I taught Title I Reading for three years. I taught kindergarten for one year prior to teaching Title I and had 30 students with an assistant. Comparing this year to that particular year, reduced class size has definitely been very beneficial for the progress of my students. I have been able to get to know my students better and much more quickly. I have been able to gain a great deal of insight into their backgrounds and their strengths and weaknesses.

Ms. Simpson:

Generally speaking, my class this year is quite low. Due to that fact, a smaller classroom size has been greatly appreciated. I am able to more effectively monitor the children's progress as I teach, and have found that more time is available to reinforce and practice important skills.

They mention there was only one child who fell behind in reading.

These go on and on. I do not know what more we have to do to convince our colleagues. We are not placing a mandate on any local district. All we are saying is we know this works and we hope communities will choose to embrace the idea of reducing class size.

Mrs. MURRAY. Mr. President, will the Senator from Massachusetts yield on that point for a question?

Mr. KENNEDY. Yes, I certainly will.

Mrs. MURRAY. Mr. President, I commend the Senator from Massachusetts and ask him again, because we have heard from the other side that this is some kind of Federal mandate for local class size would the Senator from Massachusetts not agree with me that this is a voluntary steady stream of money for schools that choose to use this money to reduce class size?

Mr. KENNEDY. The Senator is exactly correct. It is a voluntary program. It will be available, with the Senator's amendment, to local communities that have crowding in their classrooms, as it has been in my own State of Massachusetts in a number of different communities with the same very positive results we have seen in other places.

As the Senator remembers, we made a national commitment to hire 100,000 teachers. This is the amendment the Senator from Washington offered—100,000 teachers. We have, I believe, 37,000 of them, and some of them have already proven to be our best.

At the time this was announced, as the Senator remembers, we had former Speaker of the House Gingrich. "We said the local school board would make

the decisions. No new Federal bureaucracy, no State, not a penny in the bill that was passed goes to pay for bureaucracy; all of it goes to pay for local school districts. . . ." House Speaker Gingrich, the first time we passed the Murray amendment, called it a victory for the American people: "There will be more teachers, and that is good for all Americans."

As I remember, and as I read the amendment, I believe 99 percent of the funds go to the local district and the local district has the control. Am I correct?

Mrs. MURRAY. I thank the Senator from Massachusetts for answering that question. He is absolutely correct; 99 percent of the money does go to the local schools at their discretion to use for class size because it is a national priority.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I want to point out very clearly, we need fewer children in classrooms so that teachers can give each child the attention necessary for that child to succeed. Teachers need the mentoring and the professional development that we have in the legislation. Smaller class size is a tried and tested program. It is effective. We ought to have smaller classes and more opportunities for teachers to get the training that they need. That is what this amendment is really about.

We should not forget the commitment that we made. We know what works. We know it has been effective. We believe that children are worth our investment. We believe the Murray amendment is the best way to get this job done.

I yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe we are going to vote on the Warner amendment at 5:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Debate appears to be resolving around the amendment of the Senator from Washington, and I did want to speak to that. Then I guess we ought to vote.

The amendment of the Senator from Washington is an outgrowth of a proposal that was put forward by President Clinton and was carried by the Senator from Washington for the last couple of years. However it fails, in my opinion, for a variety of reasons.

The first reason it fails is the basic philosophy behind the amendment which is we in Washington know better—better than you, the American citizens who run their school districts; you, the parents across America; you, the principals across America; you, the school boards across America—how to run your schools. This is a command and control amendment. This is an amendment which says we are going to

put a certain pot of money on the table—your tax dollars, by the way, tax dollars we took from you in Auburn, NH, or Cheyenne, WY, or Chicago, IL. The tax dollars that we took from you, we are going to take some of them and put them on the table. But before you can get any of those tax dollars, you have to do exactly what we tell you to do with them.

Specifically, in this instance, you are going to have to hire more teachers. Even if you do not need more teachers, you are going to have to hire more teachers because we in Washington know a great deal more about what you need in your school system than you do. That is the basic premise of this amendment. It is one of the primary reasons I oppose it.

The second problem with this amendment is there is no statistical standard which shows that certain class size ratios improve education. In fact, study after study, significant studies—in fact, 300 studies—which have been reviewed conclude that it is the quality of the teacher that is key to the quality of education more than the class size. That is especially true after you hit a certain level of class size.

In the United States today, the average class size ratio is 17 to 1. I think 44 States already meet the level of ratio that was put forward by the President as an appropriate level, which was 18 to 1. So we are not talking about dramatic reductions in class size in States across the country. What we are talking about is essentially trying to work at the fringe with some Federal money to demand that more teachers be hired.

But the practical effect of that may be to reduce the quality of education. Why? Because you may end up with poorer teachers being hired because you forced on the school system the requirement that they hire more teachers rather than that they improve the quality and the ability of the teachers who are in the classroom, which almost every study has concluded is the key to good education.

In fact, I hold California up as a pretty good example of how this works. They set in place—their right, they have the right to do it—a class size ratio proposal. As a result, they went out from 1995 and hired a whole bunch of new teachers. What happened? The number of certified, qualified teachers went up—this is in the K-3 area—from 1,100 to 12,000 unqualified or teachers who were of questionable quality. They were not certified. They had not learned how to teach a third grader or second grader or first grader or one in kindergarten. So it is very possible that by reducing the class size, California actually ended up putting 11,000 more teachers into the classroom who didn't know how to teach.

A couple of other important studies proved beyond any question that if a student is exposed to a teacher who

doesn't know what they are doing in a subject, the recovery time for that student is extraordinary. Under a Rand study, they concluded a student may never recover from a poor teacher—which gets back to the initial point: We do not know whether teachers are good or not.

I do not know here, standing on the floor, whether the teacher in Epping, NH, is good or poor, whether the teacher going to be hired is a good teacher or poor teacher. I don't know it in Cheyenne; I don't know it in Chicago. What I do know is the principal in that school probably does know who the good teachers are, probably does know teachers who have weaknesses and need assistance, probably does know whether in one class they need more teachers but in the other class they just need to improve the teacher they have. Or maybe in another class they have such a great teacher who is being pushed out of the school system because they cannot afford to pay the costs because the teacher cannot afford to live on the salary they are being paid and they need to pay that teacher more.

I do not know the answer to those questions, but I will tell you who does: The local principals, the school boards, the teachers in the class know that, and the parents whose kids are in the classroom.

What does this proposal say? It says it doesn't matter; you have to hire a new teacher. That is your option. If you want this money, you have to hire a new teacher.

I think that was misguided. I think it was misguided when President Clinton brought it forward earlier, and as a result we have debated this matter on the floor a number of times. What did we do to try to correct this? Because we do recognize, on our side of the aisle, putting more teachers in the classroom may be the proper resolution to a specific incident; that may be what some school systems need. We also recognize on this side of the aisle maybe the proper resolution is giving that teacher more tools to work with, maybe giving that teacher more educational support, maybe giving that teacher some extra pay so they can keep teaching or some of the other things they may need.

So we put in the bill something called the Teacher Empowerment Act. What the Teacher Empowerment Act does is to say let's merge these teaching funds; let's take this Eisenhower grant; let's take the class size grant, put it into a pot of money, and then give the States and local school districts the opportunity to use that money in four different areas. They can hire more teachers for their classroom if that is what they think they need. They can, if they need to, say to a teacher who may be leaving for the private sector: You are too good. We can-

not afford to lose you. We will pay you some more money. They can, if they have a teacher in a classroom who maybe isn't quite up to speed on the academic issue they are teaching, say we are going to get some outside assistance; we are going to help you get your credentials up to speed; we are going to give you some money to help you get some more education. Or they can give the teacher some technical support in order to assist that teacher.

They can make those decisions. We do not make them on the floor of the Senate. We do not tell the people who are running the local school boards: You must do this; you must do that. We do not tell that to the principals, the teachers, or the students that, or the parents of the students. We would rather say: Under the Teacher Empowerment Act, here are four uses for this pot of money. You make the decision.

Isn't that much more logical?

We are not saying that the idea of reducing the ratio in a classroom is bad. In fact, we are saying it is a good idea in many instances. In fact, we are saying it is one heck of a good idea if you have a good teacher. We are, however, saying that in those classrooms where the principal knows maybe he doesn't have the right teacher or she doesn't have the right teacher coming in, or maybe that teacher does not know enough about the subject of teaching, that they ought to have other tools available to them to make those teachers more effective.

Interestingly enough, the studies have shown that by making teachers more effective in the classroom you can teach a lot more kids a lot better at a lot less cost than by going out and hiring unqualified teachers or teachers who maybe aren't cutting it. It costs about \$450 per student to bring a classroom into compliance with some of these proposals that are being proposed today, but if you were to do it through technology, it costs, I think, \$90 per student. I think that was, again, a Rand study.

We are saying on this side of the aisle, let's give the local school board the flexibility to adjust the classroom size. If they want to go to a ratio of 10 to 1, they can use the money to hire more teachers to do it. If they want a ratio, however, of 17 or 18 to 1, which is the average ratio today, if they want that teacher to learn more to be able to teach better, they should have that option. And that option is going to be made available under the TEA amendment, which is known as title II of this act.

I think it also ought to be noted that the resources are committed in this area. The President has made a major commitment in the area of resources to teacher improvement and to class size. He has funded in his budget to the tune of \$2.6 billion the money necessary to do teacher improvement and class size.

I see the Senator from Virginia, whose amendment is coming up which I am not speaking to. I suspect he wants to say something about his amendment before it gets voted on. I yield to the Senator from Virginia so he can tell us what his amendment is about before we vote.

Mr. WARNER. Mr. President, I see my colleague seeking recognition. I am in no hurry.

Mrs. MURRAY. Mr. President, I know the Senator from Virginia wants to speak on his amendment. If I could have 1 minute by unanimous consent to speak.

Mr. WARNER. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague from New Hampshire who has spoken eloquently and passionately.

I remind our colleagues that the class reduction bill is not a mandate from the Federal Government. It is a Federal partnership from the Federal Government to our classroom and to our schools that want to reduce class size in the first, second, and third grades.

I also let our colleagues know that the California experiment which the Senator from New Hampshire spoke of had teachers who were hired that were unqualified. I agree that we don't want that to happen. That is exactly why in our amendment we require fully qualified teachers to be hired if these Federal funds are used.

I point out that a study has shown even in the California class size reduction reform they didn't require fully qualified teachers. Test scores are up and student achievement is improving. Test results have been released in the last week that show student scores are up in those classes because they reduced class size. Reducing class size does make a difference.

We target a number of areas in this bill from reading first to technology, to training math and science teachers. We should also target money for class size reduction.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if I might quickly conclude, as the Senator from Virginia is not quite ready, the President's \$2.6 billion for teacher improvement and class size reduction will be available at the option of the local community under the TEA legislation, which is a very significant increase over last year's funding level.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote be set aside for 2 minutes to allow the Senator from Virginia to explain his amendment.

Mr. WARNER. Mr. President, reserving the right to object, could we make

that 5 minutes so he and I can share the time?

Mr. JEFFORDS. Certainly. I ask unanimous consent for 5 minutes.

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

AMENDMENT NO. 383 TO AMENDMENT NO. 358, AS MODIFIED

Mr. WARNER. Mr. President, I found a technical deficiency in the manner in which the amendment is drawn. It is a very simple one. It does not change in any way the thrust of the amendment. I would like to send to the desk at this time a technical change to my amendment and ask that it be accepted.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REID. Reserving the right to object, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The amendment is so modified.

The amendment (No. 383), as modified, is as follows:

(Purpose: To provide a sense of the Senate regarding tax relief for elementary and secondary level educators)

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.**

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately \$40,582.

(2) The average starting salary for teachers in the United States is \$26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average \$408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators

spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

Mr. WARNER. Mr. President, first, I wish to say that the thoughts I embrace in my amendment have been advanced in this Chamber by other colleagues over a number years. I particularly wish to recognize the Senator from Maine, Ms. COLLINS, and Senator KYL, who have made similar efforts through the years. Therefore, I am very proud to have my name on this amendment. I assure you that there are many Senators, and, indeed, some on the other side, who have embraced this general concept that teachers need equal recognition to the emphasis that has been put thus far on the debate on students.

My effort on this day, which is National Teachers Day—I think we have slowly worked through the system a resolution to that effect—is to recognize that many, many teachers across our Nation reach into their pockets and withdraw aftertax dollars and expend them for little things they observe in their daily teaching of students that are needed in the classroom. These teachers also have to constantly bring themselves up to speed on current events in education. Many of them have very burdensome financial commitments with student loans, and so forth.

I think it is time the Congress recognize this profession. For so many years nursing and teaching were the two professions that were open to many, and now, fortunately, all the professions have been opened, and I hope equal opportunity is being given women in so many professions. There are now opportunities to leave teaching and seek higher pay in these particular positions.

This is an amendment which simply says it is the sense of this institution that in the course of our deliberation on the various tax proposals that have come from the House and which are now beginning in the Senate Finance Committee—of which my distinguished colleague, the chairman is a member—that it would at some point take into consideration this type of legislation.

I have requested \$1,000, which is a pretty substantial sum. My hope is that we can get the maximum. But I thought we would try at that particular level.

I have discussed this with my colleague, the distinguished manager. I know he has a few views. I would be

happy to yield for his questions and make it technically feasible for him to take the floor.

Mr. JEFFORDS. Mr. President, I come from a teaching family. My mother and sister are teachers. I know of the effort they put into teaching and buying supplies to make things go a little bit better. It is very common and accepted in the sense that it is sort of part of the job. But it shouldn't be.

We are at a time when our teachers' salaries are so much lower than they ought to be. I think it is wrong to expect teachers to continuously take money out of their pockets in doing their job, when it should be taken care of through the school system. I think they would appreciate and are entitled to have a tax credit of \$1,000 to take care of those expenditures. I will pursue that in the Finance Committee for my good friend.

Mr. WARNER. Mr. President, I presume the Senator supports Senators voting for this measure?

Mr. JEFFORDS. Yes. I think it is one of the best amendments we will have.

Mr. WARNER. Mr. President, with that, I yield the floor.

Mr. President, the yeas and nays have been ordered, am I not correct?

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. WARNER. I thank the Chair.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator WARNER, in introducing this proposal. Senator WARNER deserves credit for focusing our attention on the selfless efforts of teachers, and on the financial sacrifices they make, to improve their instructional skills and the classrooms where they teach. As President Bush has put it, "Teachers sometimes lead with their hearts and pay with their wallets."

Our amendment expresses the sense of the Senate that Congress should pass legislation providing teachers with tax relief in recognition of the many out-of-pocket, unreimbursed expenses they incur to improve the education of our children. Our amendment is targeted to support the expenditures of teachers who strive for excellence beyond the constraints of what their schools provide. Yet our amendment is broad enough to embrace a number of different approaches to supporting our teachers through the tax code.

Earlier this year, I introduced the Teacher Support Act of 2001, which is supported by good friends, Senators KYL, LANDRIEU, and COCHRAN.

Our bill has two major provisions. First, it would allow teachers and teacher's aides to take an above-the-line deduction for their professional development expenses. Second, the bill would grant educators a tax credit of up to \$100 for books, supplies, and equipment that they purchase for their students.

According to a study by the National Education Association, the average public school teacher spends more than \$400 annually on classroom materials. This sacrifice is typical of the dedication of so many teachers to their students.

So often, teachers in Maine and throughout the country spend their own money to better the classroom experiences of their students. I recently met with Idella Harter, president of the Maine Education Association, who told me of the books, rewards for student behavior, and other materials that she routinely purchased for her classroom. One year, Idella saved all of her receipts from purchases of classroom materials. She started adding up all the receipts and was startled to discover that they totaled over \$1,000! She said that she decided she better stop counting at that point.

And Idella is not alone, Maureen Marshall, who handles education issues in my office, taught public school for several years in Hawaii and Virginia. In her first year as a teacher, she spent well over \$1,000 of her own money on educational software, books, pocket charts to assist with language arts instruction, and other materials. And yet, because of her tax situation, she could not deduct these expenses from her taxable income.

The ultimate beneficiaries of efforts to provide financial assistance to our teachers are our students. Other than involved parents, a well-qualified teacher is the most important prerequisite for student success. Educational researchers have demonstrated the close relationship between qualified educators and successful students. Moreover, educators themselves understand how important professional development is to maintaining and extending their levels of competence. When I meet with teachers from Maine, they repeatedly tell me of their need for more professional development and the scarcity of financial support for this worthy pursuit.

I greatly admire the many educators who have voluntarily financed additional education to improve their skills and to serve their students better and who purchase books, supplies, equipment and other materials that enhance their teaching. By enacting modest changes to our tax code, we can encourage educators to continue to take formal course work in the subject matter that they teach and to attend conferences to give them new ideas for presenting course work in a challenging manner.

I hope that, by adopting this amendment, which is particularly fitting on National Teacher Day, we will pave the way for passage of meaningful tax relief for teachers later this year. I think we should make it a priority to reimburse educators for a small part of what they invest in our children's future.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 383, as modified. 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 Wisconsin (Mr. KOHL and the Senator from Minnesota (Mr. WELLSTONE are necessarily absent.

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—95

Akaka	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Reed
Breaux	Gramm	Reid
Brownback	Grassley	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wyden
Dodd	Lott	

NAYS—3

Enzi Greg Nickles

NOT VOTING—2

Kohl Wellstone

The amendment (No. 383), as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, we are still working on both sides of the aisle to get agreements on how we will proceed with votes later on tonight and tomorrow. We have some items we can lock in. I ask unanimous consent when the Senate resumes the education bill at 9:30 Wednesday, the Senate proceed to a vote in relation to the Mikulski amendment regarding technology centers with 5 minutes equally divided prior to closing remarks.

I ask consent all first-degree amendments in order to S. 1 be filed at the desk by 5 p.m. on Wednesday and any second-degree amendments be limited to the subject matter contained in the first-degree amendment.

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

Mr. LOTT. In light of this, there are no further votes this evening. The next vote occurs at 9:35 on Wednesday. However, I understand Senators are ready to go with amendments or second-degree amendments. We will continue to work on that as long as we can get Senators to offer their amendments.

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. I yield.

Mr. DASCHLE. I think it would be helpful to reiterate what we think the sequence would be. Is Senator VOINOVICH going next?

Mr. LOTT. Followed by Senator FEINSTEIN tonight.

Mr. DASCHLE. I know Senator CARNAHAN has an amendment she would like to offer and is prepared to lay aside at the moment, and then Senator MIKULSKI is recognized, with that vote to occur on the Mikulski amendment tomorrow.

Mr. LOTT. That is correct. Senator SPECTER has a second-degree amendment to the underlying Murray amendment.

Mr. DASCHLE. The sequence, then, is Voinovich, Feinstein, Specter, Carnahan, and Mikulski?

Mr. LOTT. We were not making a unanimous consent request; we are just trying to get clarification of the next four actions.

Is there a problem, though, with proceeding that way?

Mr. SPECTER. Mr. President, I have already discussed with my colleagues, Senator VOINOVICH, Senator CARNAHAN, and Senator FEINSTEIN, that I might have 30 seconds to lay down a second-degree amendment.

Mr. LOTT. We will proceed with the other amendments once that happens.

I yield the floor.

AMENDMENT NO. 388 TO AMENDMENT NO. 378

Mr. SPECTER. Mr. President, I send to the desk a second-degree amendment to the underlying amendment by Senator MURRAY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 388 to amendment No. 378.

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

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

The amendment is as follows:

(Purpose: To provide for class size reduction)

In lieu of the matter proposed to be inserted, insert the following:

**"SEC. \_\_. CLASS SIZE REDUCTION.**

"(a) ALLOTMENT.—Notwithstanding any other provision of this law, from \$1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

"(1) shall make available a total of \$6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

"(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

**"(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—**

"(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

"(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

"(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

"(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

"(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

**"(c) USES.—**

"(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

"(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

"(A) recruiting (including through the use of signing bonuses or other financial incen-

tives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

"(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

"(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

"(1) to make further class size reductions in kindergarten through grade 3;

"(2) to reduce class size in other grades;

"(3) to carry out activities to improve teacher quality, including professional development; and

"(4) to carry out other activities authorized under title V.

**"(e) REPORTS.—**

"(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

"(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

"(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

“(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

“(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

“(1) the agency’s program to reduce class size by hiring additional highly qualified teachers; and

“(2) the agency’s proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 389 TO AMENDMENT NO. 358

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. BAYH, and Mr. NELSON of Nebraska, proposes an amendment numbered 389.

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

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

The amendment is as follows:

(Purpose: To modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved)

On page 7, line 21, add “and the Governor” after “agency”.

On page 8, line 1, insert “and the Governor” after “agency”.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

“(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency’s statewide system of technical assistance and support for local educational agencies.”

On page 35, line 20, insert “, that is jointly prepared and signed by the Governor and the chief State school official,” after “a plan”.

On page 706, line 8, insert “Governor and the” after “which a”.

On page 706, line 16, insert “Governor and the” after “A”.

On page 707, line 2, insert “Governor and the” after “A”.

Mr. VOINOVICH. Mr. President, the amendment that I have offered will improve the coordination, accountability and delivery of educational services in states all across America. I am pleased to be joined by Senator BAYH and Senator BEN NELSON in introducing this amendment.

Mr. President, as many of my colleagues know, Senator BAYH, Senator NELSON and I served as Governors of our respective states; they served in Indiana and Nebraska respectively, and I served as Governor of Ohio for 8 years. As my state’s chief executive, I learned that few individuals have more of an impact on education policy in their state than the Governor.

Yet, under federal law, governors—the men and women who are their state’s CEOs—are not able to fully participate in their state’s education planning process.

Mr. President, most federal education assistance to our states currently flows directly to state education departments, where a large percentage of that funding is then passed on to local schools.

State plans submitted by state education departments to the U.S. Department of Education set the parameters that local school officials must subsequently follow in developing and implementing their own spending plans. However, there is no requirement that governors be involved in this process, nor is there any requirement for coordination between Chief State School Officers and Governors on the use or disposition of federal education dollars.

In some states, the Chief State School Officers are appointed by Governors and are, therefore, accountable to them, while in other states, Chief State School Officers are elected directly by the people. If these individuals share the same political leanings, there is usually little conflict on education policy. However, where governors and chief state school officers do not see eye-to-eye, potential conflict can arise that could threaten the educational needs of our children.

Regardless of how a state’s top education official achieves his or her position, in each and every state, it is the governor the public holds accountable for the overall condition and success of public schools. As it is currently written, the Senate’s ESEA reauthorization bill also holds governors accountable for student progress, even where governors have no current discretion over Federal education programs and Federal education funding.

This accountability issue is magnified under the legislation we are considering. Under Title VI of this bill, States may lose between 30 and 75 percent of their administrative funds for formula programs if States fail to meet specified performance requirements.

If a State budgets those administrative funds and they are lost as a result of this bill, then the entire State budget could be impacted. Ohio, for example, received \$3.1 million in Title I administrative funds last year. If Ohio were to lose 75 percent of these funds, that would mean about \$2.33 million would have to come from somewhere else in the state budget.

Governors do play a leadership role in the development of State education policy, including standards and assessments, and the allocation of State budget resources for public education. Governors are willing to be held accountable for Federal programs as well, but it is imperative that the Federal Government give them the authority to help determine reform through Federal education programs.

It doesn’t make sense, that a Governor, who has to manage the State’s budget and is accountable for any shortfall, is not required to be consulted when State educational officers set education priorities.

Our amendment hopes to change that.

What our amendment is designed to do, is very simple: it encourages consolidation and coordination between Governors and chief State school officers in designing State education reform plans.

Under our amendment, State education plans submitted to the U.S. Secretary of Education for Federal programs, as well as funding for the school improvement program, must be jointly signed by both the Governor and the chief State school officer—both of them.

The timing of this amendment is critical, since once Congress passes ESEA reauthorization this year, each State will finalize their educational plans and priorities. State legislatures will consider funding and resource issues, chief State schools officers will consult local districts, and Governors will set out plans for educational priorities throughout the State.

Speaking from personal experience, having the Governor and the chief State school officer working together is absolutely critical. Having these two individuals working independently on education policy does not maximize our ability to achieve the educational goals the President has set out and that this Congress has set out. I believe we need to require both signatures.

Our amendment will also help leverage State resources. As my colleagues know, the Federal contribution to education amounts to only 7 percent, with the State and locals funding the remaining 93 percent of education spending in the State.

Requiring joint sign off on education plans by the Governor and the chief State school officer enables the Governor to leverage and ensure coordination of the much larger pot of state education funding to work with the Federal dollars. The only way to fully leverage Federal funds is to ensure the coordination of these funds with State efforts.

Governors are the national leaders in education reform. I remember as Governor of Ohio, we pushed for EdFlex authority from this body so that we could have the flexibility to combine programs and target funds where they

were needed. Governors like Bill Clinton in Arkansas, Richard Reilly in South Carolina and Lamar Alexander in Tennessee became well known nationally on education, not because of what they did in Washington, but because as Governors they innovated to improve education in their States. Our current President, George W. Bush, ran for President partly to share with the rest of America, the successful education plan he had implemented in Texas.

What ultimately matters—and what should drive our decisions on education policy—is whether or not our students learn. That is really what we are talking about in this debate. We must coordinate policies so that there is a consensus on education in the state for the benefit of our students. Education is too important to have our different stakeholders working separately. Our Governors and chief State school officers must be working together.

Our amendment will foster greater cooperation between all State officials responsible under State law for the performance of public schools. It will also help to ensure that state plans submitted for approval by the Department of Education align with the implementation of State accountability legislation. It is of vital importance that chief State school officers and Governors work together to establish education goals in their States.

I might add, Mr. President, this amendment is strongly supported by the National Governors' Association.

As a former Governor who had education as one of my highest priorities, I am offering this amendment to make sure that the highest elected official of every State is a full partner with Congress in the effort to implement true reform. I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SESSIONS. Will the Senator yield for a question?

Mrs. FEINSTEIN. I will.

Mr. SESSIONS. Has an order for speaking time been reached?

The PRESIDING OFFICER. There has been no such order reached.

Mr. KENNEDY. If I could ask the Chair, I think when the leaders asked, there was a recognition that in order to move the process forward, Senator VOINOVICH, Senator SPECTER—I see the leader is here—there was a recognition that Senator FEINSTEIN was to speak briefly, Senator MIKULSKI—we have agreed to consider her amendment—and Senator CARNAHAN. I don't know whether consent was agreed to, but I think that was generally the thought.

Mr. SESSIONS. If I could generally have the opportunity to speak after the last speaker, I will appreciate it.

Mr. KENNEDY. The Senator is being very gracious. There, correctly, was

not a consent agreement, but I think there was sort of a gentler person's agreement to try to move the scheduling along. I think I will be here when the Senator speaks.

Mr. SESSIONS. I understand. That will be acceptable? Do we have an understanding of the time the Senators will use?

Mr. KENNEDY. Senator CARNAHAN, as I understand, would like to address the Chair and introduce her amendment and set it aside. Am I correct?

Mrs. CARNAHAN. Yes.

Mr. KENNEDY. I ask consent she be recognized for that purpose. Then the Senator from California intends to introduce her amendment and speak briefly. After that, the Senator from Maryland, for whatever time she might use. After that, the Senator from Alabama.

Ms. MIKULSKI. If I might respond to the Democratic Chair of the Education Committee, I intend to speak no more than 10 minutes and probably even less.

Mr. KENNEDY. If we could ask unanimous consent to that order, and then I ask if I can be recognized after the Senator from Alabama.

Mr. SESSIONS. I have no objection.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Without objection, that is the order in which Senators will speak.

The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment pending right now is the Voinovich amendment. The Senator will have to ask that it be set aside.

Mrs. CARNAHAN. Yes, I ask unanimous consent the pending business be set aside.

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

AMENDMENT NO. 374 TO AMENDMENT NO. 358

Mrs. CARNAHAN. I call up amendment No. 374.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN] proposes an amendment numbered 374 to amendment No. 358.

Mrs. CARNAHAN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

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

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

On page 326, line 1, insert “, including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers and reduce the agency's need to hire additional teachers or construct new facilities” after “performance”.

On page 327, line 2, insert “as well as teaching specialists in core academic subjects who

will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership” after “qualified”.

On page 517, line 18, strike “and”.

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

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

“(I) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 528, line 11, strike “and”.

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

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

“(16) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 539, line 10, strike “and”.

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

“(E) alternative programs for the education and discipline of chronically violent and disruptive students; and”.

Mrs. CARNAHAN. Mr. President, it has been suggested that families and communities give us roots, but our schools give us wings—the wings of opportunity that come with a solid educational background.

I commend President Bush for putting education at the top of the national agenda. His goal to “leave no child behind” is one that all of us in the Congress should support. Indeed, education is a cause that all Americans can rally behind. For it is in the common interest to prepare our children for success. If we are interested in increased prosperity, higher productivity, safer streets, lower welfare rolls, and reduced need for government services, the place to start is in our public schools.

The Better Education for Students and Teachers Act that we are debating today is an important first step. It is the product of arduous and painstaking negotiations on the part of my colleagues and the Bush administration. It represents bipartisan consensus. I applaud all those involved, who have put our children ahead of politics.

The legislation will bring greater accountability to our school system. It will mean increased testing, targeted support for failing schools, and new options for parents. The core principle behind the act is that we can identify low-performing schools through rigorous testing and then give them the resources they need to turn themselves around.

The bill is based on successful models that have been developed at the state level.

In Missouri, we have a comprehensive accountability system in place called the Missouri Assessment Program, or MAP.

These tests measure student progress in math, reading, science, and social studies to see if kids are meeting what we like to call the “Show-Me Standards.”

Now I am not one who feels that increased spending automatically translates into improved results. But I do

believe a key element of the reform effort is to provide troubled schools with the resources they need to improve performance.

The first piece of legislation I introduced—the Quality classrooms Act—is designed to fit in the context of this overall education reform effort.

The Quality classrooms Act calls for a new investment in our schools, yet offers flexibility at the local level.

It provides school districts with the option of using funds on any of five proven programs: hiring new teachers; building more classrooms; hiring teaching specialists in core subjects such as reading, math, and science; creating alternative discipline programs; and instituting year-round school schedules.

These are commonsense provisions that meet basic needs. And I am pleased that the first two ideas—class size reduction and school construction—are already part of the education debate.

Today, I am introducing an amendment to accomplish the other three elements of the Quality Classrooms Act: specialists for core subjects; alternative discipline programs; and year round school programs.

This amendment is about flexibility, not mandates. Like the Quality Classrooms Act, this amendment recognizes that local districts area best suited to make decisions about their needs.

The amendment proposes more teaching specialists because studies show that reducing class size is more cost effective when focused on certain subjects.

A good example of this is “Success for All” a program which enlists retired teachers and other part-timers as reading instructors. The instructors are carefully trained and focus on small groups of children.

More than 700 schools have participated in this program, and have achieved impressive results. Students enjoy learning more, are more engaged, and develop closer bonds with their teachers.

I point out, too, that this amendment will allow funds to be used for alternative programs for violent and disruptive students.

Ask any teacher, and they will tell you that one or two chronically disruptive students can destroy the learning environment for the entire class.

Schools need the flexibility and authority to provide safe and effective classrooms for all.

At the same time, we must make sure that districts can provide appropriate educational resources for disruptive students.

Under Missouri law, a teenager who carries a gun to school can be expelled and prohibited from returning to the traditional public school.

In some areas of the state, there is simply no alternative program available to this student.

Turning disruptive and potentially violent students out onto the streets without an education is a recipe for disaster.

However, in some parts of the state, districts have been able to create very effective programs for these students, relying on alternative education grants under Missouri’s Safe Schools Act. Often, the alternative programs provide students with their last chance to receive an education.

In the Kirkwood School District, an alternative school has helped students improve their grades, behavior and attendance.

Those participating in the program have a different learning plan tailored to their needs.

Alternative programs open the door for creativity in working with disruptive students. The Kirkwood program, for example, collaborates with the juvenile court system. Police officers meet with students and lead discussions on controlling anger, on drugs and alcohol abuse, and on decision-making.

As a result, discipline problems dropped dramatically. A total of 166 referrals to school administrators were made for students in the school year before they started in the alternative program. The following year, this number dropped to 73. School officials noted that fewer referrals saved the school “at least 90 hours of administrative time.”

Mr. President, the goal of my amendment is to recognize, reward, and encourage that kind of innovation and success.

And finally, the amendment will help school districts implement a year-round school schedule where it might be appropriate.

Studies have shown that a year-round school schedule increases student achievement. Teachers in traditional nine-month schools often spend three to six weeks in the fall reviewing material that was taught during the previous year.

A year-round program can work well for at-risk or learning disabled students who may be struggling to grasp and retain information.

In addition, year-round schools can be a way to use facilities more efficiently. Some overcrowded schools stagger student attendance, so that one group is on vacation during each grading period.

In one district that grows by 1,500 kids a year, the district implemented a staggered, year-round schedule. This allows them to serve 2,000 additional children in a given academic year.

Of course, a year-round approach may not be right for some districts. For example, in rural areas, students often play a key role on family farms during the summer months. That is why this amendment allows each district to make the choice for itself.

There is no “one-size-fits-all” approach for our schools. Our schools and local districts need flexibility so they can make appropriate choices. My amendment will add to the flexibility that the bill already provides. I look forward to working with the manager and hope the amendment will receive widespread support.

This debate has given us an unique opportunity to improve education in America. Major progress is within our grasp. Our support for these innovative reforms will give our children the wings of opportunity needed for success.

Let us seize this opportunity and do what is right for our children.

I ask unanimous consent that the amendment be laid aside.

I yield the floor.

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

The Senator from California.

AMENDMENT NO. 392 TO AMENDMENT NO. 358  
Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 392 to amendment No. 358.

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

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

The amendment is as follows:

On page 327, after line 10, add the following:

(7) Carrying out programs and activities related to Master Teachers.

(2) MASTER TEACHER.—The term “master teacher” means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual’s performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for Master Teachers.

(2) CONTENTS OF REPORT.—The report shall include an analysis of:

- (A)(i) the recruitment and retention of experienced teachers;
- (ii) the effect of master teachers on teaching by less experienced teachers;
- (iii) the impact of mentoring new teachers by master teachers;
- (iv) the impact of master teachers on student achievement; and
- (v) the reduction in the rate of attrition of beginning teachers; and
- (B) recommendations regarding establishing activities to expand the project to additional local educational agencies and school districts.

Mrs. FEINSTEIN. Mr. President, today I am introducing an amendment to authorize school districts to use teacher training funds authorized under the bill to create master teachers.

The bill before us authorizes \$3 billion for FY 2002 Title II, teacher training. Under this amendment, school districts could use some of these funds to create master teacher positions.

If, for example, \$200 million were spent on master teachers, 6,600 master teacher positions could be created if each master teacher were paid \$30,000 on top of the current average teacher's salary.

What is this all about? Why am I doing it? One of the things I have discovered is it is difficult to keep good teachers in the classroom. The Senator from Vermont is in the Chamber. I can't tell him how many times I have given an award to a teacher of the year, or a teacher of the month, and they accept it and say they are leaving the classroom. I ask: Why are you leaving the classroom? Because I got a better job in Silicon Valley; or I am going to become an administrator.

When you ask why they are going to become an administrator, it is because of more money. The average teacher's salary is about \$40,000 a year. In California, it is \$45,000 a year. So you can work 10 or 15 years for that amount of money, but you can become an administrator at \$65,000 or \$70,000 a year and support your family.

So the idea occurred to me, what if we were to have a master teacher program and allow teachers who have taught in the classrooms for 5 years—if they have certain credentials—to become a master teacher and receive the salary equal to that of an administrator?

What would the criteria be? Under this amendment, the teacher would be credentialed, have at least 5 years of teaching experience, and be adjudged to be an excellent teacher by administrators and teachers who are knowledgeable about this teacher's performance. The teacher would have to be currently teaching and willing to enter into a contract to teach for another 5 years.

The master teacher, then, would become a mentor teacher, would help other teachers in improving instruc-

tion and strengthening teacher skills, would mentor less-experienced teachers, help develop curriculum, and provide other professional development.

What is interesting is that 25 percent of beginning teachers do not teach more than 2 years. Nearly 40 percent leave in the first 5 years. For my State, this is a huge problem. We have 284,030 teachers currently, and in the next 10 years we have to hire an additional 300,000 teachers.

California's rate of student enrollment is three times the national average. Therefore, we have to hire 26,000 new teachers every year.

If they teach 2 years, and we lose them because they can get a better job elsewhere, or we lose a good teacher who has taught 6 or 7 or 8 or 10 years because that teacher wants to become an administrator to make a higher salary, we lose teaching skills in the classroom.

So I thought we could try to see if these excellent teachers would work in the classrooms for an additional 5 years, be willing to mentor other teachers, be credentialed teachers, and stay in the classrooms and become master teachers to help other teachers.

There are some existing mentoring programs. I worked earlier with Adam Urbanski, a teacher in Rochester, NY, who pointed out to me very clearly how mentoring programs keep teachers in the classroom. It occurred to me that master teachers could produce very good dividends.

One of the key things about all of this is that we expect so much from our teachers and we pay them so little. I think California is one of the highest cost-of-living areas in the Nation. Yet teachers earn \$45,000. Their salary is limited.

I would like to say to the chairman of the committee, who is in this Chamber, it is my understanding that the amendment is acceptable on both sides. I am very pleased. I intend to follow this closely. I hope we have a whole series of master teachers one day that burgeon throughout the Nation, that lead the way in keeping good teachers in the classroom, to increase teachers' salaries, and to increase the performance of the average classroom teacher.

I thank very much the chairman of the committee for his indulgence.

I yield the floor.

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

Mr. JEFFORDS. I believe we can accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Is there any objection to the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 392) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. I thank the chairman very much.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending Voinovich amendment be laid aside.

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

AMENDMENT NO. 379

Ms. MIKULSKI. Mr. President, I now call up amendment No. 379.

The PRESIDING OFFICER. The amendment is pending.

Ms. MIKULSKI. Mr. President, this amendment is very simple. It is very straightforward. It is a great public investment in getting our children ready for their future.

What this amendment does is provide for the establishment of community technology centers in the United States under the provisions of the Elementary and Secondary Education Act. It would authorize \$100 million to create 1,000 community-based tech centers around the country. These centers would be created and run by community-based groups, such as the YMCA, the Urban League, or even a public library.

The Federal Government would provide competitive grants to these community-based groups. By the third year of funding at least half of the funds come from the private sector. In year one, 30 percent comes from private sector and in year two, 40 percent must come from the private sector. Again, by year three the funding would be 50-50; 50 percent from the Federal Government and 50 percent from the community-based groups. This is truly an excellent example of a public private-partnership and maximization of federal funds.

By funding community technology centers, we will be helping to build public-private partnerships around the country. I want to stress that the private, nonprofit sector is eager to form these partnerships.

Why do we need this amendment? First of all, in the President's education bill there is no provision for community technology centers. The President's budget indicates he would make it a permissible use under HUD to be taken out of community development block grant money. So why do we want this in ESEA? We want it in ESEA because essentially it takes technology education to where people learn in their communities.

What would this mean for local communities? It would mean a safe haven for children where they could learn how to use computers—use them to do homework—use them to access the Internet. It means job training for adults who could use the technology

centers to either get new skills and new tools to enter the new economy or to upgrade their skills.

Also, these centers would serve all regions, races, and ethnic groups. They will be where they are needed, where there is often limited access to technology. They will be in urban, rural, and suburban areas. They will be in Appalachia and Native American reservations, and urban centers.

Why do we need these? First of all, I want to acknowledge the fantastic work that Senator JEFFORDS has done in advocating something called the 21st century learning centers. He has, indeed, been a great advocate of that, along with his colleague, Senator JUDD GREGG. They really have been excellent in establishing these learning centers.

They are excellent programs, but they are primarily in schools. Most of them are only for children. And most of them operate during very specific hours. Some are open just a few hours a day; most do not necessarily focus on technology. I want to acknowledge that the one in Vermont is open weekends and even in the summer. So Vermont is really doing a great job.

But why do we need these community tech centers in the community? In some places schools are either too worn out or too dated to be wired for the future. We have school facilities in desperate need of modernization. And the poorer the community, usually the poorer the physical condition of the school. Community Technology Centers would ensure that technology is in the community.

Second, it is multigenerational. This means it could be used during the day for adults and seniors and in the afternoons for structured afterschool activities for children, bringing them to technology. It also could be open at night and on weekends. Also, it removes barriers to learning.

In many of our communities, new immigrants are shy about coming into schools, particularly adults. There is the need to reach out to men who very often want to upgrade their skills, to be able to come into a new workforce. Certainly, in my own community of Baltimore we see that. But they can sometimes feel awkward at age 28, 38, or 48 walking into a school building. But they would walk into a community tech center. This is why we believe that in addition to the 21st century learning centers, these community technology centers are needed.

Let me cite a few examples. The Baltimore Urban League received a grant to create a community tech center. They created a computer clubhouse, an afterschool computer center for teenagers. The young people were taught computer skills. They also then teach other young people. They are engaging in desktop publishing. During the day, it is used for career development, focused on Welfare-to-Work.

In rural Odem, TX, we have another example of a community tech center that both worked with the people in the community but was also a source for distance learning. In a school district in Arizona, it helped young Native Americans enter the high-tech workforce.

I could go on with example after example. Let me tell my colleagues this: Thanks to the leadership of Senators HARKIN and SPECTER, and Labor-HHS, they funded community tech centers through appropriations. Be aware that they were never authorized. Essentially, HARKIN and SPECTER just went ahead and did it. God bless them for doing it. But they could only, because of the lack of authorization, fund very few of these programs. In 1999, over 750 community organizations applied for community technology center money. Under the great leadership of HARKIN-SPECTER, there was only enough money to give grants to 40 of these community organizations.

There is so much pent-up need, it points to why my legislation is needed. I believe we do not have a worker shortage in the United States—we have a skills shortage. Even with dot-coms now dot-bombing, there still is a great need for technology workers. In fact, in practically every field technology literacy is needed. Manufacturing in my own State has gone from smokestack to cyberstack. We must have people with the skills who are ready. We don't have a worker shortage in this country; we have a skill shortage in this country. In addition to schools and libraries, to have 1,000 community technology centers would be a welcome addition into these communities and neighborhoods for people to have the opportunity to truly enter this new world.

My legislation is endorsed by groups such as the National Council of La Raza, the NAACP headquartered in my own State, the American Library Association, the American Association of Community Colleges, and also the Computer and Communications Industry Association.

I ask unanimous consent that their letters be printed in the RECORD.

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

AMERICAN ASSOCIATION OF  
COMMUNITY COLLEGES,  
Washington, DC, March 1, 2001.

Hon. BARBARA MIKULSKI,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MIKULSKI: The American Association of Community Colleges (AACC) endorses your amendment to the "Better Education for Students and Teachers Act," to set the authorization of funding for Community Technology Centers at \$100 million. AACC represents over 1,100 community colleges across the country.

This program has allowed community colleges to become stronger partners with their communities and has allowed them to help

provide access to computers, the Internet, and technology to maximize participation in the digital economy. Some of the community college projects currently funded provided basic computer skills instruction, video conferencing links, after-school programs, welfare-to-work programs and educational counseling services. The programs offered at community colleges serve everyone from pre-school children to adults seeking lifelong learning opportunities.

This is a valuable program because it helps communities to jointly address their challenges. The coalitions funded through these programs secure non-federal matching contributions and also work extensively with each other to develop programs to help overcome the digital divide. The federal funds provided, which cannot exceed fifty percent of total project funds, provide critical seed money that will establish firm foundations for project activities. Community technology centers should be permanently authorized and funded at levels to provide technological opportunity to those who need it.

The American Association of Community colleges urges all Senators to support your amendment to this critical legislation. We thank you for spearheading this initiative.

Sincerely,

GEORGE R. BOGGS,  
President and CEO.

NATIONAL COUNCIL OF LA RAZA,  
Washington, DC, May 3, 2000.  
Senator BARBARA A. MIKULSKI,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MIKULSKI: The National Council of La Raza (NCLR) thanks you for your effort to bring the promise of computer technology to communities that currently do not have equitable access to this important educational tool. In particular, we would like to express our support for your amendment to authorize the Computer Technology Centers (CTC) program.

The transition from an industrial economy to one based on information and technology presents numerous possibilities and challenges. For Hispanics, the advent of the information superhighway provides new educational opportunities. However, it also may further widen existing educational achievement gaps between Hispanics and non-Hispanics.

Studies have shown that the use of computers at home helps improve academic achievement. Yet, Hispanic students have less access to a computer with Internet access at home as compared to White students. In fact, White households are almost twice as likely (46 percent) to own a computer than Hispanic (25 percent) households.

While there has been some success in infusing education technology in America's schools, Hispanics continue to lag behind their non-Hispanic peers in this area. Contrary to the national statistics, schools and communities serving low-income and minority students, including Hispanics, are still very far behind their peers in gaining access.

Schools with a high number of low-income or minority students have less access to computers and the Internet than do affluent schools. For example, in 1998, schools with more than 71 percent of its students receiving free or reduced-price lunches had only 39 percent of the instructional rooms connected to the internet. In comparison, schools with 11 to 30 percent of such students had Internet connections in 53 percent of their instructional rooms.

There are many programs designed to help schools to obtain computers, Internet access,

and teacher training. Unfortunately, few are designed specifically to include community-based organizations (CBOs). Lacking community-controlled colleges and universities or a system of Hispanic churches, CBOs are the lifeline of the Hispanic community. They are in a more advantageous position to assess the needs of Hispanic children and families, and have proven track records in providing successful services to community members. The CTCs program creates opportunities for CBOs to participate as partners in bringing this technology to their communities and, therefore, should be supported.

NCLR believes that your amendment to authorize and sufficiently fund the CTCs can have a significant, positive impact on the lives of many low-income Hispanic families. That is why we strongly support your legislation and encourage the entire Congress to do the same.

Sincerely,

RAUL YZAGUIRRE,  
President.

NAACP,  
Washington, DC, May 3, 2001.

MEMBERS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR: On behalf of the National Association for the Advancement of Colored People (NAACP), I am writing to inform you of our strong support for the amendment being offered by Senator Barbara Mikulski (D-MD to S.I, the reauthorization of the Elementary and Secondary Education Act. Specifically, the Mikulski amendment would authorize \$100 million for fiscal year 2002 and each of the following six years to create 1000 new Community Technology Centers. These centers would provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training. NAACP President and CEO Kweisi Mfume has personally met with Senator Mikulski to discuss this issue, and has made enactment of her legislation an NAACP legislative priority.

Access to computer technology is one of, if not the most single important keys to success in the 21st century. A 1998 report by the independent Benton Institute estimated that by the year 2000, 60% of all jobs in the United States would require some computer skills. Too many Americans, either because of their geographical location, or their lack of economic resources, or both, are being left out of the computer age. This "digital divide" currently affects whole communities and, in the end, threatens the continued prosperity of our nation. The digital divide is resulting in an increased concentration of poverty and a deconcentration of opportunity.

According to one recent study while 46% of white families have computers in their homes, only 23% of African Americans can make the same claim, and only 25% of Hispanic American homes are currently equipped with computers. If allowed to continue, this disparity will only increase disadvantages faced by low income Americans and Americans of color as they try to enter the work force and improve themselves and their communities. Perhaps the most frightening aspect of the numerous studies that have been done about the digital divide is that they all seem to agree that the disparities are growing.

Community Technology Centers, as proposed by the Mikulski amendment, are an important step in addressing the current technological inequities. While each center

is different, and tailored to the community it serves, the primary goal by definition is to make computers, the Internet and various software packages available to children and adults who might otherwise be on the losing side of the digital divide. Community Technology Centers typically offer both classes as well as opportunities for individuals to take personal time to hone their technology skills. Classes vary from preschool and family programs to after school activities, adult education and courses in career development and job preparation.

Put simply, Community Technology Centers provide individuals and communities with the resources to help themselves and to improve their chances at becoming educated, productive Americans. I hope that you agree with me and the more than 600,000 card-carrying members of the NAACP that Community Technology Centers are a smart and much-needed investment in the future, and that you will support the Mikulski amendment. Should you have any questions, I hope you will not hesitate to contact me at the NAACP Washington Bureau, at (202) 638-2269 or Kimberly Ross in Senator Mikulski's office at (202) 224-4654 about this important amendment. Thank you in advance for your attention to this matter, and I look forward to continuing to work with you and this and other matters that will benefit our nation as a whole.

Sincerely,

HILARY O. SHELTON,  
Director,  
NAACP Washington Bureau.

AMERICAN LIBRARY ASSOCIATION,  
Washington, DC, March 6, 2001.

Hon. BARBARA MIKULSKI,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the American Library Association, I convey our support for your Community Technology Centers amendment to the Elementary and Secondary Education Act reauthorization. This amendment would enlarge the scope of possibilities for these centers, increasing their numbers and enabling libraries to continue to do their part in trying to bridge the "digital divide."

In Maryland, the Wicomico County Free Library has begun a very successful outreach project to build bridges across the digital divide in that very rural county. The library currently has four centers operating in a variety of community areas that are free, staffed by volunteers and, with library supervision, provide technology training and other services to members of the community. This outreach is beginning to make a real difference and your legislation could enlarge community efforts like this and allow other libraries in rural parts of all states to bring access to technology to their communities.

Thank you for your efforts to enlarge the abilities of libraries and other community groups to serve the public by providing access to technology tools, increased skills and information,

Sincerely,

NANCY C. KRANICH,  
President.

COMPUTER AND COMMUNICATIONS  
INDUSTRY ASSOCIATION,  
Washington, DC, March 7, 2001.

Senator BARBARA A. MIKULSKI,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the Computer and Communications Industry As-

sociation (CCIA), I am pleased to offer our support for your legislation to provide Federal funding for Community Technology Centers. This proposal would benefit not only those whom it would serve in economically distressed communities, but also the information technology industry.

Your legislation recognizes the critical need for policymakers and industry to address the growing "digital divide" in our country between those with ready access to computers and the Internet, and those for whom the promise of technology is beyond their grasp. Our members believe that technology can have a great leveling effect between the wealthy and the disadvantaged by providing access to information and services that have previously been unavailable to many Americans.

In addition, our industry faces a critical shortage of workers to sustain the incredible economic growth and innovation that we have experienced over recent years. Particularly by exposing disadvantaged children and young people to technology and teaching them basic technological skills, we believe that the Community Technology Centers would greatly influence these students to pursue the academic disciplines that will prepare them for high-tech careers. We recognize that only by reaching out to all Americans will we be able to fulfill our shared goals as a country and promote our general welfare.

We commend you for introducing this excellent proposal and look forward to working with you to achieve its enactment.

Sincerely,

JASON M. MAHLER,  
Vice President and  
General Counsel.

Ms. MIKULSKI. I could elaborate on this, but I know the Senator from Alabama is waiting to speak. I urge the adoption of my amendment. Perhaps after we hear from the distinguished chairman, who has really been a leader in new ways to teach and educate children, I will subsequently ask for the yeas and nays.

Mr. JEFFORDS. I think the Senator should ask for them now.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

AMENDMENT NO. 378

Mr. SESSIONS. Mr. President, I would like to take a minute or two to raise some concerns I have about the Murray amendment which would require schools to use Title II funding to reduce class size and would cost \$2.4 billion.

Mandating class size reduction is a matter that we have to be very careful about. It may sound good, and it may seem that reducing class size is the right thing to do in America. And I suppose it polls well. I know President Clinton pushed class size reduction very hard during his administration.

I took some time to look at the numbers and to see how this would work. I

visited a lot of schools in Alabama, talked to teachers and principals. I don't hear them telling me their No. 1 goal is to reduce class size.

The serious question is, Is this a public policy that we ought to mandate on the schools? We know we have reduced class size significantly in the last decade or so and have gone from an average class size of 30 in 1961 to an average class size of 23 in 1998. During the period of time that we reduced class size, there was no improvement in standardized test scores.

We also know that schools in South Korea and in Taiwan have class sizes that are nearly twice ours and they have test scores better than ours.

Another factor we must consider when talking about class size reduction is the cost. Schools would have to hire more teachers. I have supported money for teachers today. But if we hire more teachers, are we really getting a bang for our buck? And if we do, where are they going to teach? They can't teach out under the shade tree. They have to have a classroom. That classroom has to be heated and cooled. It has to have a roof over it. You have to have insurance and upkeep and maintenance. That costs money.

If you require schools to reduce their class sizes by 25 percent, you have to have 25 percent more teachers. Not only that, you have to have 25 percent more classrooms, 25 percent more equipment, 25 percent more insurance, 25 percent more maintenance. It is tremendously expensive.

All I am saying is, I reviewed an article in "Education Week" of September 1999. It suggested that mandating class size reduction is a bad idea. In fact, the Education Department, as late as 1988 said reducing class size would have little or no positive results and would, in effect, be a waste of money. In fact, it would be a waste of a lot of money.

The numbers I have seen do not indicate that class size is a critical factor in student education. In fact, as many studies show, smaller class size seems to correspond more with lower test scores more than showing an increase. One reason is that a good teacher is critical to learning. If you are bringing on more teachers, you are more likely to bring on less qualified teachers than you have had and you could actually show a decline in learning.

I won't go on about that tonight. I know there is a strong feeling that this is the right direction in which to go, but I would be very reluctant—and I think the Senate should be reluctant—to mandate at the Federal level State school systems to undertake major class size reduction when we can't say with any certainty that it is worth that expense, that it is going to get the kind of bang for our buck that we want to get.

I believe that there are other things schools can do with this \$2.4 billion

that and could produce more of an improvement in education. We should leave that decision to the schools and not mandate a "Washington-Knows-Best" fix.

I urge my colleagues to be cautious about a commitment to requiring schools to reduce class size, because we do not need to require our constituents and our school systems to expend extraordinary sums of money if we can't be certain that it is going to receive a benefit commensurate with that cost.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to thank our colleagues for remaining on the floor tonight and presenting their amendments. I think these are amendments that strengthen the legislation.

I might mention, first of all, Senator FEINSTEIN's amendment, which has been accepted. I think it adds an additional dimension to making sure the mentoring system would work well between senior teachers and newer teachers and will help all teachers be more effective in the classroom. The mentoring system has been enormously important, not only in enhancing education for children, but also in terms of retaining teachers. In many instances, the youngest, least experienced teachers teach in the most challenging classrooms, and 50% of those teachers leave teaching in the first five years.

What we have also seen—and the statistics demonstrate—that when teachers have a mentor—pairing new teachers with a more senior teacher—those younger teachers develop teaching skills. They become better teachers. They feel more confident about their teaching, and their interest in staying in teaching is enhanced, and the students are the beneficiaries. That is certainly something that we want to encourage in this legislation, and I think the Feinstein amendment strengthens that particular proposal.

I know when Senator CARNAHAN talked with us earlier about the amendment on professional development and about year-round schools and providing teaching specialists in reading in more schools, we saw—and I have referenced this earlier during the discussion and debate—the value of improved reading instruction in enhancing academic achievement. Today in the Washington Post, we read about the Prince Georges County Schools where the young children are reading for close to 90 minutes to 2 hours, and then spending a concentrated period of additional time on math. There is no question that spending more time reading has had a very positive impact.

I have seen it in a number of other situations myself, and I think the Carnahan amendment gives important options on how to use resources in terms of hiring specialists in reading,

and enhancing professional development.

Then, there is also some allowable use in terms of the year-round schools. Experiments in year-round schools are being conducted in a number of different communities. Again, this legislation provides additional flexibility in the use of funds, while adding more accountability. I think Senator CARNAHAN has increased that kind of flexibility but still maintained the focus in terms of professional development. I think that is a very worthwhile use.

Finally, I am a strong supporter and cosponsor of the Mikulski amendment. I have admired Senator MIKULSKI as the leader in the Senate on the issue of the digital divide. I think all of us are very mindful—it is one of the reasons that we are here—about the digital divide in our country. Senator MIKULSKI, from the beginning, has identified new technology as being significant as an education tool, in terms of the numbers of opportunities that it opens up, or the numbers of opportunities that are closed down if children are not exposed to the Internet and to newer technologies.

She has developed a very effective concept of these technology centers, which she has outlined. I visited the Computer Clubhouse in Boston last fall, which is one of the community technology centers in Boston. I met high school students who had attended the center for 3 years. They told me that coming to the Clubhouse had changed their lives. Because they had the positive experiences at the Center, they are planning to go to college and study math, science, or engineering. With the very small investment this amendment would provide, we could begin to put a technology center in every needy community in this country.

Information technology is changing how we learn at an incredible rate. New resources are added to the Internet every day. Web pages are as common as fax machines and cell phones. We cannot wait for needy individuals to find their own way to get access to modern resources. We have a responsibility to get the necessary tools to the high poverty urban and rural communities, and community technology centers are one way to fulfill that responsibility. So I urge my colleagues to support the amendment.

Finally, Massachusetts was, just several years ago, 48th out of 50 in terms of the Internet accessibility. It was really extraordinary, Mr. President. We have responded to the concept of a fellow named John Gage from Sun Systems in California, who developed this idea of "Net Days"—that is, to challenge the new industries to donate computers to schools and challenge labor to put wire down in these areas and in schools.

We did a number of these in my State on four different Net Days. On Net Day, we would announce the progress made in the last 6 months. We went from 48th to the top 20 percent of states with Internet access in the country. Boston is the first urban center that had complete Internet accessing and training of teachers—it is very impressive.

I must say the generosity of the high-tech community was incredibly impressive to me. They were enormously responsive. So many of these companies are headed by young professionals and it was the first time they had been asked to do something. They welcomed the opportunity to be involved in their communities.

Then we challenged labor. In the city of Boston, on a voluntary basis, we got 350 miles of cable laid by the IBEW in Boston. Many of their children are going to these schools. It was an incredible sight to see so many different workers volunteering on Saturdays to wire the schools. It was an incredible coming together, and there was a great sense of pride in the achievement.

So, Mr. President, I think the Mikulski amendment will be an enormous force in helping to make sure that the access to the Internet, the technology, the curriculum, and the training of professional personnel will be effective. I know the Senator well; she will pursue this to make sure no child is left behind in the technology area. She is serious about closing the digital divide.

I thank our colleagues here today. We have made some important progress. We are strongly committed to starting early tomorrow and working late tomorrow night. We want to have a full opportunity to address education issues, but we want to try to also move this process forward. I am very grateful for the patience and courtesy of our colleagues today in helping us to move the legislation forward.

I yield the floor.

Mr. JEFFORDS. Mr. President, I thank my colleague from Massachusetts. We are working really well together on both sides. I praise all our Members. We are beginning to make real progress on this bill and, hopefully, we will have it finished well within the time allotted to us.

AMENDMENT NO. 388, AS MODIFIED

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator SPECTER's second-degree amendment be modified with the changes that are at the desk, and I state that this is just a drafting change and makes no substantive changes in the language.

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

The amendment (No. 388), as modified, reads as follows:

Strike all after the 1st word and insert the following:

**. CLASS SIZE REDUCTION.**

“(a) ALLOTMENT.—Notwithstanding any other provision of this law, from \$1,625,000,000

of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

“(1) shall make available a total of \$6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

“(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

**“(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—**

“(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

“(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

“(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

“(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

“(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

“(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

**“(c) USES.—**

“(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

“(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

“(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

“(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

“(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

“(1) to make further class size reductions in kindergarten through grade 3;

“(2) to reduce class size in other grades;

“(3) to carry out activities to improve teacher quality, including professional development; and

“(4) to carry out other activities authorized under title V.

**“(e) REPORTS.—**

“(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

“(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

“(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

“(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

“(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

“(1) the agency’s program to reduce class size by hiring additional highly qualified teachers; and

“(2) the agency’s proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

#### VOTE EXPLANATION

Mr. WELLSTONE. Mr. President, I was necessarily absent during the vote on the Warner amendment regarding tax relief for teachers. The amendment was No. 383 to S. 1, the elementary and secondary education bill. I would like the RECORD to show that if present I would have voted aye.

#### MORNING BUSINESS

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

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

#### GAO ZHAN’S BIRTHDAY

Mr. ALLEN. Mr. President, I rise to note what should be a happy occasion but is instead a somber, worrisome, troubling and disconcerting situation.

Today is the 39th birthday of Gao Zhan, a woman of Chinese descent who on her 38th birthday lived in Northern Virginia with her husband Dong Hua Xue and her 5-year-old son Andrew.

Far from spending this 39th birthday in the warm embrace of her loving family, maybe opening a present that her son Andrew made for her, or blowing out candles, she is somewhere else—enduring her 87th day of detention by the officials of the People’s Republic of China, some 7,000 miles away from home in an unknown location and in unknown condition, with no contact whatsoever with her husband and her son.

Gao Zhan, who has permanent resident status in the United States, is a scholar at American University studying women’s and family issues, especially as they relate to China and Taiwan. She was held for 43 days before she was even charged with a crime. At that time, the Chinese officials alleged that she was a spy for a foreign government but presented no evidence, aside from asserting that she had supposedly confessed.

Also very troubling was the fact that when she and her husband and son were attempting to leave Beijing after spending the Chinese New Year with her family, her husband and 5-year-old son were also detained and held separately from her for 26 days before being released. In fact, the 5-year-old son was held separately.

Indeed, the coerced separation of young Andrew, who is a U.S. citizen by birth, violated consular agreements with China. But according to Andrew’s father, this detention has also traumatized this youngster psychologically. This once outgoing, talkative little boy has turned inward. He literally clings to his father’s leg almost constantly, and he continues to suffer nightmares, emotional withdrawal, and other adverse effects. Sometimes he will be eating supper and he will ask his father, “Where is my mother?”

It is often said that we fear what we do not know. For 87 days, Gao Zhan’s family and friends have known precious little about her situation, and they are afraid. They don’t know her location. They do not know her physical condition. They do not know the basis for the charges against her. No one has been permitted to see her—not our consular officials, who have lodged more than a dozen official protests with the Chinese, not the lawyers in Beijing or New York, who are authorized to practice law in China, whom her husband hired. This denial is even a violation of Chinese law. They have not even allowed international humanitarian organizations, such as the Red Cross, to see Gao Zhan.

On April 5, I introduced legislation, S. 702, which would grant Gao Zhan her desire to become a U.S. citizen. Her son, as I mentioned previously, is also a U.S. citizen. Her husband recently completed his oath in the naturalization process—he took the oath 2 months ago—and is a U.S. citizen.

Gao Zhan has met all of the requirements necessary to become a citizen, except for one—raising her hand and taking the oath of allegiance to the United States. She has established residency for at least 5 years prior to her application. In fact, she has lived in the United States since 1989. She passed the INS test on U.S. history, government, and language. And she passed the FBI background investigation.

Gao Zhan has clearly demonstrated her intent and desire to become a U.S. citizen. S. 702 would help effectuate her desire in her absence. At the same time, I believe taking this unprecedented action might help afford her the full range of protections that are accorded to U.S. citizens all around the world.

The Immigration and Naturalization Service has notified the Senate that Gao Zhan meets the requirements for naturalization, including good moral

character. I therefore urge my colleagues, both on the Judiciary Committee and in the full Senate, to move this bill to make Gao Zhan a citizen as quickly as possible. While this legislation may not guarantee that China will begin respecting human rights of its own citizens and visitors, it might help reunite a wife and mother with her husband and child.

Gao Zhan’s detention is part of a larger and disturbing pattern of arrests, of which Senator JEFFORDS is well aware, in China and the pattern of arrests of United States-based academics and residents that predates the incident involving detention of our 24 Navy crew members. Over the past several months, we have become aware of the detention of two American citizens of Chinese descent and three Chinese-born holders of American green cards, including Gao Zhan and another scholar who is a resident of Hong Kong.

I have been made aware that one of these permanent U.S. residents, Liu Yaping, a businessman whom the Chinese have accused of fraud and tax evasion, is reportedly suffering from an aneurysm and his life could be in serious jeopardy. In addition, Gao Zhan also suffers from a chronic heart condition, and her family is understandably concerned about her health.

A number of my colleagues and I have already petitioned the Chinese Embassy for Gao Zhan’s release on humanitarian grounds, to no avail. At the very least, Gao Zhan and others being held in China deserve humane treatment, contact with our consular officials, their families, and legal representation.

This sort of treatment of U.S. citizens and residents over the course of the past several months is clearly not the way to mend the frayed and unsettling relations between China and the United States.

I call on our administration to continue doing everything in its power to seek Gao Zhan’s return. I ask my colleagues to support this legislation granting her citizenship, and I call on the Chinese Government to release Gao Zhan and return her to her family.

Knowing that the Chinese authorities do not allow any communications—even an e-mail, not even allowing a birthday card—wouldn’t it be nice to just get a birthday card signed by her 5-year-old son and her husband, to know that they are OK. Knowing that is not going to be allowed, on behalf of the freedom-loving people of this country and all around the world, I still express our happy birthday wishes and hope our thoughts and prayers and actions will result in Gao Zhan spending her 40th birthday back home with her friends and family, and especially her 5-year-old son who needs his mother.

I thank the Chair and yield the floor.  
Mr. JEFFORDS. Mr. President, I thank the Senator from Virginia for