I will close with this: If I needed any proof that public school choice was going to work, I got it, literally, the week after I signed, as Governor of Delaware, public school choice legislation into law. I was in a forum where there were a number of school administrators talking amongst themselves. During the break, I overheard one school administrator say to another, about public school choice: If we don't offer what parents want for their kids, they will simply send their children to another school.

I said to myself: He has it. In our State, if we are not offering in school A what parents want for their kids, if they are offering it in school B, the child can go to school B and the money follows the child. The State appropriation follows the child. It infuses competition and market forces into our schools and other schools attempting public school choice in ways we never imagined possible. That is the potential. That is the hope of part of what we are doing today, this week, and later this month.

I ask my colleagues, as we address the consequences for schools going forward in the future, if we are serious about empowering them to do public school choice, if we are serious about making charter schools a reality, keep in mind the legislation and the amendment to be proposed by Senator GREGG and myself.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. CARPER. I ask unanimous consent to speak as in morning business for 5 minutes.

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

EDUCATION

Mr. CARPER. Mr. President, as we gather today in this Chamber, it is quiet. We have people here prepared to take down our words, but relatively few words are being said. We are on the threshold of a historic occasion here in the Senate, where the leadership, at least the majority, is about to pass from our Republican friends to the Democrats' side of the aisle.

While there are many issues about which there might be partisan disagreements, there are many issues on which there is bipartisan agreement. One of those is the education of our children.

Today, visiting our Nation's Capitol, coming to this Chamber and that on the other end of the building in the House of Representatives, are the young and the old. In those groups of visitors to their Nation's Capitol are many schoolchildren. In many cases they are with parents and with teachers. They have come here to experience our Capitol, to experience the longest living democracy in the history of the world, the United States of America.

This Chamber was not silent just for a good part of this day but for much of last week as well, as we were in recess in observance of Memorial Day. In Delaware and in States across the country, on Memorial Day and during last week, we remembered and saluted and thanked our veterans who served in our Army, Navy, Air Force, and Marines, who in many cases sacrificed their lives in wars of the past century, and the two before that.

There is a document we are all proud of in this country called the Constitution. The Constitution of our Nation is the longest living written constitution of any nation on Earth. It was adopted on September 17, 1787, first by the little State of Delaware. As I like to kid my colleagues, Delaware for one whole week was the entire United States of America. Then we opened it up, and other States came in: Pennsylvania and New Jersey and Maryland and the rest joined us. Eventually there were 50 of us, and it has turned out well.

Mr. President, 213 years later we are going strong. Every now and then our democracy is put to the test. That democracy will be put to the test in this Chamber as we prepare for the passing of the torch from the current majority, Republicans, to the next majority, the Democrats.

One issue we will address later this afternoon, to take up again, is one we have been addressing for the better part of a month, and that is redefining the role of the Federal Government in the education of our children. While we have some disagreements in the margins, there is much about which we agree.

I say to all who come here today and in the days ahead to observe this debate, whether you happen to be from schools in Claymont, DE, or schools in Colorado or any other place, that we will endeavor to do our best to make sure the young people—very young people and those not quite so young—will have every opportunity to be successful in their schools and in their later endeavors, so when they walk across the stage and get that diploma and leave high school, it means they are ready to go on to be successful in college, careers, military, the private sector, public service sector—whatever they do—to be successful for their employers and, just as importantly, for themselves.

There is a meeting commencing this afternoon, after the Democrat and Republican caucuses. A number of Democrat and a number of Republican Senators were invited to the White House, presumably to meet with the President and members of his administration to discuss education reform.

While the numbers have shifted here a bit in the Senate, what should not have shifted is our commitment to our young people and making sure the Federal Government plays a more appropriate role in the years ahead. As we infuse more resources into our public schools, as we provide greater resources to the public schools, we seek to hold those schools accountable for results, rewarding the kind of performance we want to see and, where it is not happening, to make sure we take steps and the schools take steps to get the kind of performance they want and need and we desire as well.

Finally, we must make sure, better than we did before, that we empower parents to make decisions, real decisions, meaningful decisions, about the education of their children in the public schools of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Voinovich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Reed amendment No. 425 (to amendment No. 358), to revise provisions regarding the Reading First Program.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Wellstone/Feingold amendment No. 465 (to amendment No. 358), to improve the provisions relating to assessment completion bonuses.

Voinovich amendment No. 443 (to amendment No. 358), to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

Dayton modified amendment No. 622 (to amendment No. 358), to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Bond modified amendment No. 476 (to amendment No. 358), to strengthen early childhood parent education programs.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

AMENDMENT NO. 465

Mr. WELLSTONE. Mr. President, I call up amendment No. 465.

The PRESIDING OFFICER. The amendment is now pending.

Mr. WELLSTONE. I thank the Chair.

Mr. President, the original cosponsor of this amendment is Senator FEINGOLD from Wisconsin. I thank him for his support. Other cosponsors are Senators KENNEDY and CLINTON.

Mr. President, let me try to summarize this amendment.

Right now on this education bill there is a bonus incentive for States to move forward with tests that this legislation calls for. Remember that this legislation on the floor of the Senate is very sweeping, for better or for worse. I think all Senators should think very seriously about that.

Right now we are basically mandating or telling every school district in every State in the United States of America that every child in grades 3, 4, 5, 6, 7, and 8 will be tested every year. This is not an option. School districts don't decide. States don't decide. At the Federal level, the Congress and the Federal Government are saying to States: You will do this.

In the legislation, as I say, the additional bonus money is for States that are able to move forward, and, as a matter of fact, put this testing into effect earlier than 2005.

What this amendment would say is that it is not speed that is the most important criteria. The most important criteria is the quality of the test. What we want to say to States and school districts around the country is that we will provide an additional bonus to you if you, in fact, are designing and implementing quality tests. Again, what I mean by that is States should not be relying on single standardized multiple-choice tests.

There are probably some students even in the gallery as I speak today. If they were the ones who were out here on the floor and were going to have a chance to speak, I think the students would say: Look. If, in fact, you are going to measure what we have learned and what we know, if you are going to measure what education is on the basis of single tests, standardized tests, or multiple-choice tests, the result will be teachers teaching to those tests, and drilling to get ready to take those tests. This is not all of what education is. In fact, I think it can become quite educationally deadening.

The best teachers I know—I am in schools about every 2 weeks in the State of Minnesota—are teachers who never teach to worksheets. The best teachers I have met are teachers who engage students, who get students to think about their lives in relation to the material, who get students to stand on their own two feet and think for themselves and speak for themselves.

At the very minimum, we ought to be saying to States that we do not want States and school districts to abuse tests by relying on the sort of off-the-shelf standardized fill-in-the-bubbles multiple-choice tests. That is just outrageous.

By the way, these multiple-choice tests put the real world into categories. They do not measure a student's sense of irony. They do not measure how profoundly students are thinking. They do not measure whether students can think creatively. There is a whole lot that these tests don't measure.

Indeed, when the other amendment I introduced was passed, one of the criteria was that the testing that is going to be done has to use multiple measures, and not just one single, standardized test. We need to encourage that type of assessment.

We also need to talk about whether the assessments are coherent. That is to say, are they measuring what is actually taught in the curriculum? If you have a single, standard, multiple-choice test that is generic that just sort of measures students in relation to other students but does not have anything to do with the curriculum and the material and what is actually being taught, then basically you are putting all of America in an educational straightjacket. Aren't we going to make sure, I say to my good conservative friends, that local school districts have some say over defining what makes for good education?

I think we want to make sure the tests are comprehensive. We want to make sure they are coherent.

Then the other thing we want to do is to make sure they are continuous; that is, if we are going to say we want an assessment, then we want to try to measure the progress of the student over a period of time. So what this amendment says is, look, let's make sure the assessment gives us the best picture of how students are really doing; if we are going to be engaged in testing, let's make sure it is high-quality testing; let's make sure we are really measuring how well students are doing; and, for God's sake, let's not force school districts and schools and teachers and students into some drill education, what I would call straitjacket education.

I was really pleased that in an op-ed piece in the Washington Post, Secretary Paige himself wrote:

> A good test, the kind the President and I support, is aligned with the curriculum so schools know whether children are actually learning the materials that their States have decided a child should know.

Again, that is what I mean by a test that is coherent.

Above and beyond that, let me just simply say to all of my colleagues that the independent panel review of title I, which was mandated in the 1994 reauthorization, has issued its report in January called ''Improving the Odds.'' The report concluded that:

> Many States choose assessment results from a single test, often traditional multiple choice tests. Although these tests may have an important place in State assessment systems, they rarely capture the depth and breadth of knowledge captured in State content standards.

The panel went on to make a strong recommendation:

> Better assessments for instructional and accountability purposes are urgently needed.

So I again say, with this amendment, if you want to have a bonus system set up, if you want to provide additional moneys for States—not to hurry up, not to just bring a test off the shelf, a test that does not even give us a good idea of how our students are doing—have a bonus that focuses on high-quality testing.

Frankly, I am surprised that I have to come out in this chamber and debate this amendment. I would think this amendment would be adopted with 100 votes. Maybe it will be before we are done.

Now, let me just quote Robert Schwartz, the president of Achieve, Incorporated, which is the nonprofit arm of the standards-based reform movement. Here is what he said:

> You simply can't accomplish the goals of this movement if you're using off-the-shelf,

relatively low-level tests. Tests have taken on too prominent a role in these reforms, and that's, in part, because of people rushing to attach consequences to them before, in lots of places, we have really gotten the tests right.

Mr. President, these are important words by a man whose work, whose profession, is in the accountability field. I would like to quote the last part of it again:

Tests have taken on too prominent a role in these reforms, and that's, in part, because of people rushing to attach consequences to them before, in a lot of places, we have really gotten the tests right.

That is exactly my point. We need to get the tests right.

''Quality Counts,'' a recent study on the state of assessments in the United States, concludes this way:

In too many States, the tests still focus too much on low multiple choice questions and are poorly aligned with the standards they are designed to measure.

So again—and I will emphasize this for maybe the 20th time this afternoon—what we want to do is we want to make sure that if there is going to be this testing—all in the name of accountability, all in the name of assessing how our students are doing—then we had better make sure we get it right. And if we are going to have a bonus system, let's provide the bonus money to those States on the basis of their putting together high-quality tests. That is what this amendment says: That above and beyond timeliness, the other criterion, the criterion that is so critically important, is that we have high-quality tests.

I say to Senators—and, by the way, I have a real question about this; I have not decided this question in my own mind; I have not decided what the right answer is—if we are going to mandate—I think this is breathtaking, what we are doing here, frankly—if we are going to mandate that every school district in every State test every kid, then, at the very least, it is our obligation to make sure these tests are done right so that they achieve the best effect.

Let's not give States an incentive to do low-quality tests which can have such a damaging effect by rewarding them for rushing. What we ought to reward States for is having high-quality tests, which means they are comprehensive, which means they are coherent, which means we are actually assessing the progress of students over a period of time.

I want to make it really clear that if we do not focus on high-quality tests, we are asking for real trouble. I say to Senators, before you vote on this amendment, if we do not provide a bonus payment to States for high-quality tests, if we do not make that our priority, and instead our emphasis is just on States rushing forward with any kind of test, we will not be helping children or teachers or schools in America; rather, we will be doing damage because if the only thing we do, all in the name of ''reform,'' is to barrel down this path where you have State after State after State being forced by the Federal Government to do the testing, just taking off the shelf these standardized tests, with no multiple measures, and not being related to the curriculum that is taught, then we are going to have something which amounts to what I call drill education.

Again, I am looking up at the gallery. I know there are students up there. Students hate drill education. And they should hate drill education. And teachers hate drill education. It is not real teaching, and it is not real learning, to just sort of drill, drill, drill, and have students memorize, memorize, memorize, and then have some simple jingo standardized testing and nothing else.

I fear for where education is going to go if, at the very minimum, we are not, in our work in the Senate, focusing on quality testing.

I also point out to my colleagues that there has been recently in the New York Times—and, frankly, I wish the New York Times had done this 6 months ago, not just within the last several weeks—an excellent and a very troubling series, of articles on the perils of testing.

I again mention to my colleagues that right now this legislation encourages States to rush to develop their new annual tests so they can receive bonuses from the Federal Government. What my amendment says is that every State has to be on time. Not one Senator can say: Senator WELLSTONE, you are trying to stop the testing. By the way, if it were within my power, I might. I am not so sure we should be doing this. But that is not what this amendment says. What this amendment says is that every State is going to have to implement the testing, if we pass this legislation, but if they do it, then they ought to receive a bonus from the Federal Government for having high-quality tests. That is what this amendment says.

This amendment, cosponsored by Senator FEINGOLD, Senator KENNEDY, and Senator CLINTON, rewards those States that develop high-quality assessments as gauged by a peer review process, rather than simply speeding towards implementing tests with no consideration as to the quality of these assessments.

In the New York Times articles, they point out, in a very crystal-clear way, that quality matters. I want to just read from a couple of these pieces in the New York Times.

I quote from a piece in the New York Times. This is on some of the dangers of rushing:

Each customized test the State orders must be designed, written, edited, reviewed by state educators, field-tested, checked for validity and bias, and calibrated to previous tests—an arduous process that requires a battery of people trained in educational statistics and psychometrics, the science of measuring mental function.

While the demand for such people is exploding, they are in extremely short supply despite salaries that can reach into the six figures, people in the industry said. ''All of us in the business are very concerned about capacity''. . . .

What we have is people in the educational area saying: We are really worried about whether or not we are going to be able to follow through on this mandate. And there are all sorts of examples in different States, from New York to Arizona to Minnesota, where either there have been testing errors and kids have been kept back or have not graduated, with unbelievably harsh consequences, or principals and teachers have lost jobs, with the argument being that they were not able to teach well when in fact, as it turns out, the tests were not reliable or articles about teachers who were high-quality teachers who we would want to teach in inner cities or in rural areas—the Presiding Officer is from Maine—and who basically are now leaving the teaching profession because they are saying, wait a minute; not only do we want the resources but we certainly don't want to be forced to be involved in drill education, just teaching to these simple standardized tests.

The New York Times, again, had several articles which pointed out some of the real dangers.

The Washington Post had a piece February 10, 2001. I quote from one of the pieces.

But 21 states test in three or fewer of the six grades, according to the center, and under President Bush's plan would have to at least double the number of students they test annually.

Only seven States right now are testing every year in grades 3 through 8 in a way that is aligned with state standards; other States do it every other year; some States, have not even met the requirements set out in the 1994 law. What we are now going to say is every State, every school district has to test every child every year. They are not given any choice. Not only are we saying that, but we are also saying there will be consequences based upon how the students do on those tests.

There will be consequences in terms of additional money, in terms of whether or not those schools will be sanctioned, in terms of whether or not those schools will be told that they have to operate differently, in which case, what my amendment is saying is: With this bonus system, let's not provide bonuses for States for rushing, since we have example after example after example of the abuse of testing and what can go wrong. Let's provide bonuses to States on the basis of quality.

My definition of quality, which is based on a recent report by the National Research Council, ''Knowing

What Students Know'' and on other sources such as the ''Professional Standards on Educational and Psychological Testing'' is: A, the tests should be comprehensive and not rely on just one single standardized test, B, the tests should be coherent. The tests should test the curriculum being taught. Otherwise, you have teachers in schools who have to teach to standardized tests that have nothing to do with the curriculum being taught in a school district in Maine or in Minnesota. That makes no sense whatsoever. And C, you want to track the progress of a child over a period of time.

What this amendment says is, right now in the legislation, we have it backwards; we are talking about providing an incentive, a bonus, to States for rushing. My amendment says, even though I have concerns about this Federal mandate, it is amazing: Here I am, a liberal Democrat from the State of Minnesota—I don't think the Chair would refer to me as a conservative Republican—and yet I am not sure in my own mind—I mean this; I am not trying to be gimmicky—I am not sure the Federal Government should mandate this. I am not sure we really have any business telling every school, every school district, every State, you have to test every child every year, 8-, 9-, 10-, 11-, 12-, and 13-year-olds. But that is almost beside the point. With my amendment, what we are saying right now is, if we are going to do it, let's do it the right way.

Last week, we passed, with 50 votes, an amendment which said this testing needs to meet professional standards and that states have to show that their tests are of adequate technical quality for each purpose for which they are used. That is really important. What this amendment says is, when we do the bonuses, let's be clear to the States—all my colleagues who believe otherwise about testing, this is not an amendment that says we don't have testing. Every State will have to meet the deadline. Every State will have to meet the deadline by 2005. But what this amendment says is, on the bonus payment, let's give the bonus payments to the States and to the school districts for high-quality testing. That should be the criterion.

It makes no sense to say we give bonus money to States solely on the basis of who does it first. Then you have everybody rushing. When people rush, they might not get it right. If you don't get it right, you don't have an accurate assessment. If we are going to do it, we had better get it right; it had better not be inaccurate. Some of this testing around the country has been inaccurate. As I said, the New York Times had a whole series of articles about that. It had better be accurate.

Secondly, if you are going to do it, it had better measure real teaching and real learning and real education. Let's not put all of the children and all of the schools and all of the teachers in America in a straitjacket. Let's make sure they know that we are expecting and support multiple measures. Let's make sure they know we want it to be coherent and measure the curriculum they are teaching. Let's make sure we are, indeed, measuring the progress of a child. Let's make sure it is done the right way, in which case, let's have bonus payments that provide the money and provide the additional payment and provide the additional bonus to those States that are engaged in high-quality testing.

That is what the amendment says. I could go on, but I think this is a fairly accurate summary of my amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as we have just heard from our good friend and colleague, Senator WELLSTONE of Minnesota, we are back on legislation that the Senate is considering on support for elementary and secondary education. I welcome the fact that we are on it, and am very hopeful we will stay on it until we conclude. We have been on this legislation in one way or the other probably for the better part of 4 or 5 weeks, but we have only been on it for a few days at a time.

As most of you understand, the reauthorization of ESEA is an extremely important piece of legislation. It deserves the full time and attention of the Senate. We had a series of amendments, and over the Memorial Day recess we had the opportunity to go through the more than 200 amendments which were initially offered. We have been able to dispose of 33 of those amendments, and we have a number of amendments that will be withdrawn. Others are acceptable. And there still remain a number that are still pending a vote on the floor of the Senate. We want to get about the business of completing our work on education. I welcome the fact that we are back on this legislation.

I will address the amendment we have before us in a moment or two, but I do want to let our colleagues know that earlier in the afternoon the President called a number of members of the Senate Education Committee and a few others to the White House to talk about the Elementary and Secondary Education Act. He indicated at that time that the legislation, as it stands, would be acceptable to him, and he didn't need to have it enhanced or altered or changed. He urged us to get about the business of completing the reauthorization of ESEA.

I indicated to the President that we have been working diligently on this legislation, and have been working in a bipartisan manner. We have had the opportunity of working with the Secretary of Education and the President's education advisers. And now we have a very important, significant blueprint that can make a difference in the quality of education for children in this country by building on the standards which have been established by 49 of the States, by using high-quality, meaningful assessments so that we know what children are learning, particularly in the areas of math and literacy and, eventually, in 2007 and 2008, in science, and by using data from those assessments to identify the strengths and weaknesses of students, and provide the needed assistance for them to succeed.

We are going to hold the schools, communities, children, and parents accountable. The point I made to the President was that I thought we in Washington ought to be held accountable as well by ensuring that the benefits of this legislation should be available to all the needy children and not, as is currently the case, to just a third of the children.

It has been our position from the beginning that with the changes included in this legislation, we should fund the Title I program. Now it is funded at a third. We ought to be able to fund it at two-thirds next year and reach two-thirds of the children. Over the 4 years of President Bush's Presidency, we ought to have a commitment to reach the final third so that we will have the full funding of the Title I education program that can be flexibly used by local communities. With the provisions included in this legislation, we can provide a very positive learning experience for every child.

We are not there yet. The President indicated we will continue to have ongoing discussions, particularly as the Appropriations bills are considered. He certainly has not ruled full funding of Title I out, but he has not ruled it in.

We indicated that our position was supported by 79 Members of the Senate, Republicans and Democrats alike. I indicated to the President that support for mandatory, full funding of IDEA, funding that helps local communities to fund their special needs programs for children with disabilities, has very broad bipartisan support. We are very hopeful that any conference committee will once and for all provide for full funding of the Individuals with Disabilities Education Act. It is a position supported by more than 70 percent of the Senate, a good share of Republicans and Democrats alike.

In any event, we had a good exchange at the White House. We welcome the President's strong support for our legislation, and we have every intention of working to respond to Senator DASCHLE's strong desire to make this legislation the first order of business. We ought to complete this legislation.

I urge our colleagues who have amendments to bring them to our attention so that we can dispose of them in an orderly way.

As we return to our ongoing education debate here in the Senate, I think it appropriate to review briefly what our pending legislation does and its sources of inspiration.

Our goal in this bipartisan legislation has been to support proven, effective reforms. Time and again we have seen individual schools follow a similar path and achieve successful improvements in the quality of education. This reform bill builds on that grassroots experience.

The bill requires every child to be tested each year in grades 3–8 so parents and educators alike will have better information on where their children stand and what needs to be done to help them learn more effectively.

The bill requires that students, schools, and school districts are held to challenging academic standards. Low-achieving children will receive additional help. Students in failing schools will be free to transfer to other public schools or take advantage of after-school supplementary tutoring. If a failing school does not turn around in a reasonable number of years, it will be completely reorganized.

The bill provides high-quality assessments aligned with State standards that measure a full range of the child's learning. Off-the-shelf, fill-in-the-bubble tests too often compromise the quality of instruction and undermine genuine efforts for school improvements.

I salute the very strong efforts of the Senator from Minnesota in making sure that tests are quality tests that challenge children and positively affect the learning process, not just measure what they have been able to memorize in a particular class. That is enormously important. This legislation is going to be strengthened because of the efforts of the Senator from Minnesota.

Parents and the public deserve to know not only where their children stand, but also how their local schools and districts measure up. Annual report cards are required at each level. Sunshine can be a powerful force for change.

Our bill is strict in asking more of students, teachers, and schools and in holding them accountable for their performance. Just as important, the bill is intended to provide the resources that we know are necessary for all of them to have a genuine chance for success.

Our bill provides support to reach the goal of a qualified teacher in every classroom and a qualified principal in every school. Today, 39 percent of all teachers are teaching a subject in which they have no undergraduate major or minor degree. Clearly, that figure is unacceptable, and Congress can help do something about it.

Our bill revises and strengthens professional development programs to provide teachers with year-long mentors, ongoing training in their subject matter, and the best teaching methods and practices in child development.

It offers additional support to school districts with high concentrations of limited-English-proficient students to teach them English and make sure they meet the same high academic standards we expect all children to meet.

The bill expands the successful 21st Century Learning Centers Program that does such an excellent job of offering worthwhile after-school activities to students. Our goal is to reach every latch-key child over the next 7 years to provide them with supplementary learning opportunities after school that keep them off the streets, away from the gangs, and out of trouble.

Our bill also provides full funding for the Individuals with Disabilities Education Act. Twenty-five years ago, the Federal Government promised to pay 40 percent of these costs, but we have never met that promise. Today the figure is still only 15 percent. It is long past time for Congress to meet its commitment to special needs children.

Our bill's emphasis on better results and targeted resources comes from experience at the grassroots. Those experiences demonstrate that all schools can do better, not just the elite few.

Hundreds of successful local schools and school districts around the country are making impressive strides in improving student achievement. We can turn that number into thousands by helping guide the way. Many challenged schools are already turning themselves around as a result of reforms that focused on increased accountability linked to higher standards and quality testing, early intervention for children who need additional help, and adequate investments in proven reforms, especially in high-needed areas.

Three schools that have recently reported improvements are excellent examples. The Ashley Elementary School in Denver, Colorado, has an almost 100-percent minority population with a 90-percent poverty rate. It recently reported that since 1998, the number of third graders meeting State reading standards had soared by 280 percent—280 percent.

After years of reported failure, the school was shut down and reopened with new teachers and a new principal. Results of the Colorado Student Assessment Program were carefully analyzed, and the entire staff of the school signed on to a goal of raising student literacy skills. As a result, literacy was emphasized in every subject and in every class. Assessments of each student are monitored bimonthly. Students who fall behind receive extra support quickly or new methods of instruction. Every teacher gets professional development support every week. Ninety-minute reading blocks were created with a class size of 12 students per teacher, compared to 25 students per teacher in 1998.

Strict accountability, high-quality assessments, early intervention, professional development, and class-size reduction—these are precisely the types of proven reforms that will be strongly supported in the pending legislation.

Another example is Humboldt Elementary School in Portland, Oregon, which has been turned around with a similar combination of reforms. In 1997, only 17 percent of third grade Humboldt students and 10 percent of fifth grade students met Oregon's benchmark scoring in reading. Twenty-five percent of third graders and only 9 percent of fifth graders met the math benchmark.

In the face of this serious challenge, the city of Portland shut down and reconstituted the school. Two-thirds of the staff was reassigned. A new principal was hired. Academic and performance expectations were raised for all students. Class size was reduced from 28 to 1, to 21 to 1. All teachers now receive weekly professional development. Individual student assessment results are analyzed regularly and learning needs are diagnosed to respond to quickly. Eighty percent of Humboldt children participate in afterschool learning programs. Humboldt found out that reform costs money. In 1998, Portland added $540,000 to Humboldt's budget to carry out their reconstitution program.

I will later provide examples of schools, in my State of Massachusetts, that have experienced dramatic results when given the necessary resources to succeed. In many cases, schools reversed low-performance using less $540,000—the amount allocated to reversing low-performance in the Humbolt budget. The New American Schools Corporation estimates that it costs approximately $180,000 to implement a comprehensive school reform model in a given school—often the first step toward turning around low-performance. We have 10,000 failing schools at the present time, which equates to $1.8 billion to begin the process of turning around the nation's low-performing schools. If we are committed a quality education for all of America's students, we will include those resources in our legislation. Those resources have not yet been included. We think they should be.

According to the Oregon assessment in 2000, the percentage of Humboldt students meeting the State benchmark for academic performance increased to 67 percent among third graders and 60 percent with fifth graders. The percentage of third graders more than doubled, to 57 percent in math, and the percentage of fifth graders meeting the math standard soared to 70 percent.

Another impressive example of a successful school is the Jeremiah Burke High School in Dorchester, MA. Not long ago it was thought of as a hopeless, high-poverty school, but it is turning itself around with precisely the types of reforms emphasized in this current bill.

The Burke High School story was featured on the front page of the Boston Globe of May 22: ''Dorchester School Gains Acceptance.'' I ask unanimous consent the article be printed in the RECORD.

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

DORCHESTER SCHOOL GAINS ACCEPTANCE

(By Anand Vaishnav)

Six years after the Jeremiah E. Burke High School lost its accreditation—symbolizing both the decay of urban Boston and the struggles of its public schools—the Dorchester school has reached a new milestone: All eligible seniors in the Class of 2001 have been accepted to two- or four-year colleges.

''Now we have proof to show people what we can do,'' said Shannon Phillips, who will attend the University of New Hampshire.

In 1995, despite athletic prowess and school spirit, such proof was hard to find. Academic and physical woes, from no librarian to no drinking water, caused the New England Association of Schools and Colleges to strip the Burke of its accreditation, jeopardizing students' chances to get into college.

With an infusion of new money, an exodus of teachers which Headmaster Steven C. Leonard was able to replace with his own picks, and the billy club of shame, the Burke gained its certification back in 1998. Leonard then embarked on another piece of the improvement puzzle: getting more students into college.

''We just convinced them that they couldn't graduate until they applied to college,'' Leonard said with a smile. ''We were bluffing. But it worked.''

Whether the acceptance rate sets a new standard or is an aberration is open to question. A five-year school district agreement in 1996 promising more money for teachers, maintenance, and counselors to get the Burke back on its feet expire this year. And Mayor Thomas M. Menino, while touting the school, said he can't promise to maintain its financing.

''I'm not going to say that,'' Menino said. ''But we're going to continue the progress they've made. We're not going to let the school go backwards.''

Boston School Superintendent Thomas W. Payzant said the likely scenario is gradually adding more students—the school's enrollment has been kept below 700—while keeping the money and staffing the Burke has had.

''There's not as much magic in the number of students as it is the work they've learned to do with them.'' Payzant said.

The Class of 2001 with about 200 freshmen, and 172 became seniors, a number whittled down by transfers, moves, and dropouts. (The Burke's dropout rate is 13 percent, down from 17 percent five years ago, but still higher than the district's dropout rate of 8 percent.)

Of the 172 seniors, 14 are in jail or a state juvenile facility and won't graduate, Leonard said. Another four are illegal immigrants and will graduate but can't attend college because of their immigration status.

That leaves 154 graduates, many of whom are headed to local community colleges, technical colleges, or state universities such as a University of Massachusetts campus or Bridgewater State College. A few are headed to Berklee College of Music or Boston College, and some who got into college are weighing the military instead.

So how did they get there?

Three years ago, with the accreditation dilemma solved, Leonard began thinking of ways to boost the college-acceptance rate. Last year, he made an application to college part of the year-end ''portfolio'' all seniors must present to graduate.

This year, he told teachers that he wanted students to move beyond application to acceptance to a two- or four-year college—and he made it clear to students that it was a condition of receiving a diploma, even though it wasn't enforceable by law.

''We are preparing kids so that if they don't go to college, it's got nothing to do with us,'' Leonard said.

The Burke's guidance counselors and teachers then got to work, badgering students about financial aid forms, asking for essays, and introducing them to colleges they hadn't considered.

Had it not been for the personal attention, students said, they either would not have considered college or would not have applied to as wide a variety of schools. Senior Melanie Silva, who will attend Hesser College in New Hampshire, recalled how her sophomore biology teacher, Ernest Coakley, was relentless.

''He just stuck on me: 'I want to see your personal statement, I want to see your college application,' '' Silva said. ''He's still on me.''

The City Council is expected to consider a congratulatory resolution for the Burke tomorrow.

Yet some worry about the intense focus on college, especially for students who simply aren't ready. Debra Wilson, who has a son at the Burke and one who graduated in 1998, is ''ecstatic'' about the high college acceptance rate. But she said she is concerned that the drive to get all students into college comes at the expense of spending time on other activities.

''We're losing sight of the student as a person, and a student needs to be a fully rounded person,'' Wilson said. ''Sometimes we can overwhelm our children.''

Leonard says he will live with any choice a student makes. But when he speaks to Burke students—and he interviews every new one—he tells them there are 18 other Boston high schools they can attend if college isn't in their cards.

As headmaster, Leonard said he now worries about maintaining what the school has, and his concern is rooted in history.

The schools' most recent renaissance was in the 1980s under headmaster Albert Holland, who got much of the same money and attention Leonard did. In 1991, budget cuts and rising enrollment devastated the school, coinciding with a citywide rise in youth violence that divided the school's hallways into gang turf.

While losing accreditation was a powerful tool for improvement, Leonard hopes the school's recent taste of success is a stronger catalyst to sustain achievement.

''My constant energy drain,'' he said, ''is to hold everything together long enough so that enough people will realize that it's possible in the inner city.''

GOING TO COLLEGE

[The percentages of graduates of some area highs schools who will attend two- or four-year colleges]

High school	No. of graduates	Going to college (percent)
Burke (Boston)	154	100
Billerica	331	84–86
Brockton	700	76
Charlestown	192	81
Everett	338	96
St John's Prep (Danvers)	268	99
Wayland	175	95
Wellesley	211	92
Westwood	144	95
Weymouth	395	75

Note: Some percentages are approximate because data is still being compiled.

Source: School districts.

Mr. KENNEDY. Burke High School lost its accreditation 6 years ago because of low test scores. Only 36 percent of the senior class was accepted into college. After doubling per pupil spending, hiring new staff, and raising academic standards, the school regained its accreditation in 1999.

Last year 62 percent of its seniors were accepted into college. This year every eligible senior, 100 percent of the Class of 2001, was accepted into a two or four year college. At Burke High School, no child is left behind.

Burke High School is one of the most dramatic stories that has come across our desk. I visited that school when it was facing enormous problems. It is now doing extraordinarily well. It is a major achievement and accomplishment.

The school's principal, Dr. Steven Leonard, attributes the turnaround to sustained ongoing school-based professional development for teachers. Teachers are trained outside the classroom, coached inside the classroom, and have year-long mentors at the school. When the Burke High School carefully analyzed its State test results, it discovered a widespread and deep need throughout the school. Dr. Leonard then raised more than $500,000 in 3 years from private sources to implement three schoolwide professional development programs. Over 3 years, he was able to spend a little over $125,000 a year for professional development for that school.

We know what works. This legislation has the framework to make sure that it can work for children across the country, but we also know it takes the investment, the resources, to give life though these reforms.

The Jeremiah Burke High School is an extraordinary example. Teachers have been trained to integrate literacy instruction throughout the curriculum. Teachers have learned to use technology as an educational supplement that enhances quality instruction instead of replacing it. Each classroom is now connected to the Internet. Every teacher at Burke participates in an ongoing professional development program that encourages college application, including financial aid applications. Every staff member at the

school, not just guidance counselors, are trained in the procedures for college admissions and financial aid applications.

Last year, Dr. Leonard required a complete college application to be a part of a year-end portfolio that all seniors must have in order to graduate. This year, he has made college acceptance an informal condition of graduation, and every child has measured up and met that challenge. It is extraordinary. With the same type of skillful analysis and hard work, every school can do the same.

In the education reform legislation before the Senate, we encourage the same combination of high expectations, diagnostic testing, quality teaching, high-tech classrooms, and after-school learning opportunities that have worked at Burke High School in Massachusetts, Ashley Elementary School in Colorado, Humboldt Elementary School in Oregon, and scores of other schools such as these.

We authorize $11 billion in additional funding for next year alone so new reforms can be launched in schools across the Nation and ongoing reforms can be sustained.

This bill is solidly grounded in a vast amount of widely accepted research and practical experience. If we continue to work together on a bipartisan basis and enact this legislation, the real winners will be students, schools, communities, States, and the whole Nation. Let's finish the job we started so well.

On the Wellstone amendment, I want to indicate my strong support. I agree we should be focusing on the use of tests that are of high quality rather than how quickly they be developed. State assessments are the base of new accountability system in Title I, and we want assurance that the assessments are of high quality and an accurate measure of what students know and can do.

I had the good opportunity last Friday morning to be at a conference in Boston with 500 principals, teachers, and administrators of schools who have been working in the whole area of academic enhancement for children and accountability. This was a nonprofit organization that works to promote standard-based reform. They found the States have improved their standards in testing but they still have a way to go.

I agree with the Senator that their evaluation of what works for children is enormously important. They have been at this for a long period of time. There is no superior organization in this area. We cannot afford to compromise the quality of assessment at the expense of quickly developing the test.

The Administration has wanted to make sure we are going to create incentives in the States to move toward accountability. That is an admirable desire. However, we want to make sure that accountability systems are tied to quality tests. That is what the Senator's amendment is all about. I believe it is completely consistent with what the objectives of this bill are. It will also provide the assessment on the basis of the content standard more effectively than the off-the-shelf tests, which in too many instances are being taught to. We cannot afford to compromise the quality of assessments at the expense of quickly developing tests.

I heard the Senator talk about the mistakes. Most of us have read the New York Times article on the tests that were given in New York City and the mistakes that were made and how this disadvantaged children as well as principals as well as the school administrator and how the company still claims they have 99.997 percent accuracy. But just that amount of failure resulted in dramatic adverse developments for students as well as for teachers and administrators.

In my State of Massachusetts, there are several quality control measures in place to ensure reliability in the scoring of the MCAS test, our State assessment. Aside from the contract on assessment outside of the State, the results of all MCAS tests are also independently reviewed by testing experts at the University of Massachusetts. In addition to soliciting an additional review of the tests from the University, Massachusetts also trains its teachers, who are well-versed in the State standards, in the scoring of the MCAS. Teachers in Massachusetts review at least 25% of the test questions, including all of the written compositions in English language arts. Teachers are trained in the rubric and scoring process for a week-long period every July.

Massachusetts' example illustrates the points made by the Senator from Minnesota regarding the need for ensuring quality in the test development and administration. We cannot afford to compromise the quality of assessment at the expense of quickly developing tests. Developing a high-quality assessment, even in just one subject for one grade, is a lengthy process. According to experts on test development, there are eight basic steps in the test development process. They are as follows:

Defining the purpose for which the test is being developed; convening a technical committee to work with the States to write test specifications and determine the content and form of the test; developing and reviewing the questions and ideas on the test; conducting pretesting to ensure fairness, reliability, and accuracy of items on the test; data analysis and test assembly to make sure the test is aligned with the required subject matter and skills; and test administration and the development of accommodations for students with special needs.

I see my friend and colleague from Maine in the chair. I know she is very familiar with these activities because the State of Maine is one of the States which has given an enormous amount of attention to all these matters of testing and also with regard to special needs children.

The steps also include developing scoring changes and cut points associated with proficiency levels; and analysis of specifications and readjustment and realignment of items. States should not be encouraged to rush through this process but should take the time to develop assessments of high quality. States should be rewarded for taking the time to develop valid and reliable measures of what students know and can do.

Good tests work. They provide us with information on student performance, help educators identify the needs of individual students, and measures our impact on working to change schools and turn around low-performing schools. However, while 15 States have developed tests in third through eighth grade math and reading, only seven States use high-quality tests that are aligned with academic standards in those subject areas. We should encourage States to use that time to develop quality assessments rather than develop assessments quickly.

Awarding bonuses for the quality of assessment is consistent with our commitment to help States improve the quality of their tests. The Senate passed the Wellstone amendment to enhance the quality of test assessments by a vote of 50–47. We should continue to encourage States to improve the format of their tests, align the tests to standards, and employ multiple measures so the tests are reliable measures of what students know and can do.

I strongly support the amendment offered by my friend from Minnesota. In this bill, we establish standards that define what we expect children to know each year. Then, we establish assessments to provide for the evaluation of that knowledge. High academic standards and quality assessments go hand in hand.

We hope to avoid what is happening in too many States. That is, curriculum is not aligned to high standards, and tests are not aligned to high standards. When this happens, we risk compromising student's learning. We risk having teachers teaching to tests because they don't want to have a bad record of their students not being able to perform. That is not what this legislation is about.

Senator WELLSTONE has spent a good deal of time trying to make sure that this legislation includes high-quality assessments, and that it accomplishes our goal of improving student learning.

I thank him and commend him for the excellent work he has done in this whole area.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will just take a few minutes. I thank the Senator from Massachusetts and thank him for being a cosponsor of this amendment.

Madam President, I refer my colleagues to the series of articles in the New York Times, and also a very interesting piece in the Atlanta Journal titled ''Teachers Find Flaws in State Test's Science Part.''

I thank Senator FEINGOLD for his support as an original cosponsor of this amendment and Senators KENNEDY and CLINTON for their support as cosponsors as well.

To remind my colleagues, since it has been a long time since this amendment was first introduced, this amendment is very non-controversial. It says that instead of the bill's language, which would reward states solely based on how quickly they finish their assessments, the Secretary should instead reward states that develop the highest quality assessments. The awards would be granted through a peer review system. We should not be giving states an incentive to rush on such an important issue. We have to give more incentives to improve the quality of the assessments.

This amendment really goes back to why we are measuring student achievement in the first place and what are our goals in setting up the accountability systems we have. Are we measuring for the sake of measuring only, or are we measuring to get the best picture of how our children are doing? If we want to get the best picture of how students are doing, we need to have the best possible assessments. They need to be aligned with standards. They need to be free from bias. They need to reflect both the range and depth of student knowledge and assess not just memorized responses, but student reasoning and understanding. This is exactly what my amendment on the quality and fairness of State assessments that was passed earlier in the consideration of this bill is all about. That is what this amendment is about. If there is anybody who thinks that speed is more important than quality, please, vote against this amendment. Please, come down and debate me on it. I would be happy to.

I was happy to see that Secretary of Education Paige also agrees that tests need to be high quality. He wrote that state assessments must be tied to the state standards and curriculum in his Washington Post op-ed that was published a couple of weeks ago. Secretary Paige writes: ''A good test—the kind the president and I support—is aligned with the curriculum so that schools know whether children are actually learning the material that their states have decided a child should know.'' I would like to thank the Secretary for this statement, and based on it, I would hope that he and the administration and every Member of the Senate would support this amendment.

Let me review quickly my statements here on the floor before the recess about the key components of high-quality and fair assessments. The standards used by experts in the field—as laid out in the recent National Research Council Report ''Knowing What Students Know''—in analyzing assessment quality are summed up in three questions:

Are the assessments comprehensive? That is, do they use multiple measures to capture the complexity of student learning rather than rote memorization of test content?

Are the assessments continuous? That is, do they capture student learning across time?

Finally, are the assessments coherent? That is, do they measure what is actually being taught in the curriculum?

So, based on Secretary Paige's comments, there now seems to be some agreement that the new state assessments need to be high-quality and fair. But, anyone working in the field of educational assessment will tell you that high-quality assessments take a long time to develop. They require a deliberative process. They should not be rushed.

It seems odd that, in this context, we would reward states simply because they finish their assessments quickly. It in fact, seems like an incentive for people not to spend time developing, improving and perfecting their assessments, but rather to take the easy way out. If they do, they can get a reward. If they do not, they get nothing.

This would be extremely problematic, because all the research indicates that we need to move toward higher quality assessments, not lower quality assessments. I believe that those states that invest resources in the very expensive endeavor of developing high-quality exams that reflect state standards should be rewarded for the value judgment that they have made.

The Independent Review Panel on title I which was mandated in the 1994 Reauthorization issued its report ''Improving the Odds'' this January. The report concluded that:

> Many States use assessment results from a single test—often traditional multiple choice tests. Although these tests may have an important place in state assessment systems, they rarely capture the depth and breadth of knowledge reflected in state content standards.

The Panel went on to make a strong recommendation. It said:

> Better assessments for instructional and accountability purposes are urgently needed.

Further, as Robert Schwartz, the president of Achieve, Inc., the non-profit arm of the standards-based reform movement recently said:

> You simply can't accomplish the goals of this movement if you're using off-the-shelf, relatively low-level tests . . . Tests have taken on too prominent of a role in these reforms and that's in part because of people rushing to attach consequences to them before, in a lot of places, we have really gotten the tests right.

That is exactly my point. We need to get the tests right. ''Quality Counts,'' a recent study on the state of assessments in the United States, also concludes, ''In to many states, the tests still focus to much on low level multiple choice questions and are poorly aligned with the standards they are designed to measure.''

Low quality assessments can actually do more harm than good. I would like to quote from the National Standards on Educational and Psychological Testing. The standards state:

> The proper use of tests can result in wiser decisions about individuals and programs than would be the case without their use and also can provide a route to broader and more equitable access to education and employment. The improper use of tests, however, can cause considerable harm to the test takers and other parties affected by test-based decisions.

It is our obligation to see that tests are done right so that they achieve the best effect. Let's not give states an incentive to do low quality tests, which can have such a damaging effect, by offering them an award for rushing.

The National Standards state that this is our obligation. The Standards say:

> Beyond any intended policy goals, it is important to consider any potential unintended effects that may result from large scale testing programs. Concerns have been raised for instance about narrowing the curriculum to focus only on the objectives tested, restricting the range of instructional approaches to correspond to the testing format, increasing the number of dropouts among students who do not pass the test, and encouraging other instructional or administrative practices that may raise test scores without effecting the quality of education. It is important for those who mandate tests to consider and monitor their consequences and to identify and minimize the potential of negative consequences.

Let's enhance our accountability systems by trying to enhance the quality of assessments so we can avoid the negative outcomes described in the Standards and more accurately measure what students know and can do. This way we can more effectively use tests for their best purpose: to diagnose students' needs and help students improve.

I urge support for this amendment, for quality and for better reform.

AMENDMENT NO. 465, AS MODIFIED

Mr. WELLSTONE. I ask unanimous consent I be allowed to send my modified amendment to the desk. Basically what this amendment does, Madam President, is it makes crystal clear the

bonus payments will go to States—first of all, they have to meet the deadline. I don't want colleagues to think I am giving States any way of not meeting the deadlines.

Second, the other requirement is that the bonus goes to States that develop assessments that most successfully assess the range and depth of student knowledge and proficiency in meeting State performance standards in each academic subject on which the States are required to conduct their assessments. There will be a peer review. I send my modified amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, (No. 465) as modified, is as follows:

On page 776, strike lines 1 through 5, and insert the following:

''(b) ASSESSMENT COMPLETION BONUSES.—

''(1) IN GENERAL.—At the end of school year 2006–2007, the Secretary shall make 1-time bonus payments to States that develop State assessments by the deadline established under 1111(b)(3)(F) and as required under section 1111(b)(3)(F) that are of particularly high quality in terms of assessing the performance of students in grades 3 through 8. The Secretary shall make the awards to States that develop assessments that most successfully assess the range and depth of student knowledge and proficiency in meeting State performance standards, in each academic subject in which the State is required to conduct the assessments.

''(2) PEER REVIEW.—In making awards under paragraph (1), the Secretary shall use a peer review process.

Mr. WELLSTONE. Madam President, I think the Senator from Massachusetts has said it well. I will have more to say about this overall education bill later on, but this is all in the spirit of trying to improve this bill. I hope there will be a lot of support for this amendment. So far no one has come out on the floor of the Senate to debate the amendment, and we are going to have a vote actually at 5:30 or thereabouts, or we think we will. If not, we will have a vote tomorrow.

We all have our expertise. I don't even want to say—it is a little presumptuous. I don't know that I am the expert, but 20 years of my adult life was education. I take it seriously. I happen to have been someone who did not do well on some of these standardized tests. I know the danger of relying on just one standardized test. I think the amendment that was agreed to last week was important. We do want to have multiple measures, and I think we do want to have a relationship between the tests and the curriculum being taught.

The only thing this amendment does is say: Look, let's be clear. All States have to meet the deadline. I am sure those of my colleagues who are all for mandatory tests would insist on that. I am not going to disagree at all. But I am saying let's give the bonus to States for high-quality tests. That is really what we want to reward. That is what we are trying to push.

If we are going to do this, let's make sure we are doing an accurate assessment of how the children are doing. If this is all being done in the name of accountability, that is to say we want to know how children are doing in different schools in America, then let's make sure we have the best assessment. That is all this amendment says. Let's have a bonus payment that goes in the direction of nurturing and promoting the best possible assessment.

It is a good amendment, and I hope my colleagues will support it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, Senator COLLINS has an amendment also dealing with the issue of testing. When she arrives on the floor, I will yield the floor. I want to make some additional comments regarding funding and why I think it is so important.

At the present time, we are only reaching about a third of all the children who are eligible. Listen to this. This is with regard to my State of Massachusetts. I will try by the end of the week to have a similar kind of breakdown for all the other States because I believe they will find that their situation is very similar.

In the 1999–2000 school year, the supplemental Title I funding for disadvantaged children went to 980 out of the 1,900 Massachusetts elementary schools. But because of insufficient Federal funding, 624 Massachusetts schools with poverty rates in excess of 30 percent received zero in Title I education aid.

That is part of the problem. In 600 schools, 30 percent of their children are Title I eligible, and they receive virtually no funding whatsoever.

This is part of our dilemma in terms of wanting to make sure there is a range of different support services, the kinds of requirements that are going to be necessary in terms of well-qualified teachers, professional development and mentoring for teachers, and after-school programs.

If we are serious about doing the job, doing it right and doing it well, we want to try to put ourselves on a glide path to full funding of Title I. Maybe we can't reach all of the children overnight. We understand that. We ought to be able to move ourselves on a glide path so we can look at all the children and, most importantly, their parents, and say that over the life of this legislation we are going to be able to assure those parents that their children who are ineligible for the program are going to get the support and the help and assistance they need.

As you well know, Madam President, this is not the beginning of the pathway in terms of the academic achievement and accomplishment of children. We are looking against a background where the Head Start Program is funded at about 40 percent. We are going to find that some children are going to be coming up with the Head Start Programs and go into the Title I programs which are funded, and will get into supplementary services, and to the extent that these kinds of support elements make an important difference—and they do make an important difference—they are going to be helped and assisted.

But we are going to find, in the same way, that a majority of children who are otherwise eligible for Title I are not going to benefit and then will go to school and fail to get help and assistance. It is going to be extremely difficult to think we are making an important difference in their lives and enhancing their ability in reading and in math.

Almost every study and review—most recently, the Institute of Medicine review of January of this last year—talks about the development of the neurons in children's brains and the importance in these first 3 years in terms of being able to sort of stimulate the interest of the children in various kinds of activities, hoping to stir the elements in the children's brains so they open them up in ways that they will be more receptive to the learning experience—we know this medically from all of these various studies.

The Carnegie Commission report has pointed these out for the last 10 years. Yet we still do not give that kind of intervention, support, and effort that we should and that we know makes an important difference.

I think many of us are very hopeful that we can see investment in these early years, then we have further support in terms of the Head Start Program. We have further to go in funding the special needs program for children with disabilities, and further to go in terms of funding the Title I program for disadvantaged children.

As the Chair understands, we will end up actually saving resources. I know the Chair is familiar with all of the studies that were done at the end of World War II on the GI bill where they estimated that for every $1 invested in education, the Federal Treasury got $8 back in enhanced earnings by those who received those programs. Investing in these children, in terms of savings and other social costs, is more than predictable. It is certain. We believe we have legislation that moves us very

strongly in that direction. That is particularly why we are so strong in terms of wanting to get the funding for these programs.

For the benefit of the Members, we will consider the Wellstone amendment tomorrow and probably begin the discussion. We will have an exact unanimous consent request in a few moments.

For the benefit of the Members, as I understand it, we are coming in at about 11:00 a.m. and will be dealing with some necessary measures and we will then come back to the bill at approximately 11:30 a.m. We will have 20 minutes on the Wellstone amendment and then vote. We will follow that with consideration of the amendment of the Senator from Maine, Ms. COLLINS.

AMENDMENTS NOS. 445, 453, AS MODIFIED, 470, 473, 503, 506, 508, 598, 625, AND 631, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Madam President, in the meantime, I have a package of cleared amendments. I ask unanimous consent that it be in order for these amendments to be considered en bloc and that any modifications, where applicable, be agreed to, the amendments be agreed to, and the motions to reconsider be laid upon the table en bloc.

For the information of the Senate, these amendments are the DeWine amendment No. 445; the Ensign amendment No. 453, as modified; the Roberts amendment No. 470; the Landrieu amendment No. 473; the Bennett amendment No. 503; the Collins amendment No. 506; the Collins amendment No. 508; the Sessions amendment No. 598; the Wyden amendment No. 625; and the Levin amendment No. 631.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered. The amendments are agreed to, en bloc.

The amendments (Nos. 445, 453, as modified, 470, 473, 503, 506, 508, 598, 625, and 631) were agreed to en bloc, as follows:

AMENDMENT NO. 445

(Purpose: To modify provisions relating to the Safe and Drug-Free Schools and Communities Act of 1994 with respect to mentoring)

On page 514, line 21, insert '', such as mentoring programs'' before the semicolon.

On page 516, line 15, insert ''mentoring providers,'' after ''providers,''.

On page 517, line 5, insert ''and mentoring programs'' before the semicolon.

On page 537, line 10, insert '', mentoring'' after ''services''

On page 550, line 15, insert ''mentoring,'' after ''mediation,''.

AMENDMENT NO. 453, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the benefits of music and arts education)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE BENEFITS OF MUSIC AND ARTS EDUCATION.

(a) FINDINGS.—The Senate finds that—

(1) there is a growing body of scientific research demonstrating that children who receive music instruction perform better on spatial-temporal reasoning tests and proportional math problems;

(2) music education grounded in rigorous academic instruction is an important component of a well-rounded academic program;

(3) opportunities in music and the arts have enabled children with disabilities to participate more fully in school and community activities;

(4) music and the arts can motive at-risk students to stay in school and become active participants in the educational process;

(5) according to the College Board, college-bound high school seniors in 1998 who received music or arts instruction scored 57 points higher on the verbal portion of the Scholastic Aptitude test and 43 points higher on the math portion of the test than college-bound seniors without any music or arts instruction;

(6) a 1999 report by the Texas Commission on Drug and Alcohol Abuse states that individuals who participated in band, choir, or orchestra reported the lowest levels of current and lifelong use of alcohol, tobacco, and illicit drugs; and

(7) comprehensive sequential music education instruction enhances early brain development and improves cognitive and communicative skills, self-discipline, and creativity.

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

(1) music and arts education enhances intellectual development and enriches the academic environment for children of all ages; and

(2) music and arts educators greatly contribute to the artistic, intellectual, and social development of the children of our Nation, and play a key role in helping children to succeed in school.

AMENDMENT NO. 470

(Purpose: Relating to mathematics and science)

On page 344, line 9, insert ''engineering,'' before ''mathematics''.

On page 344, line 17, strike ''a'' and insert ''an engineering''.

On page 344, line 22, insert ''engineering,'' before ''mathematics''.

On page 345, line 7, insert ''or high-impact public coalition composed of leaders from business, kindergarten through grade 12 education, institutions of higher education, and public policy organizations'' before the period.

On page 347, line 10, insert ''or a consortium of local educational agencies that include a high need local education agency'' before the period.

On page 347, line 18, strike ''an'' and insert ''the results of a comprehensive''.

On page 347, line 22, strike the semicolon and insert: '', and such assessment may include, but not be limited to, data that accurately represents—

''(A) the participation of students in advanced courses in mathematics and science,

''(B) the percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively,

''(C) the number and percentage of mathematics and science teachers who participate in content-based professional development activities, and

''(D) the extent to which elementary teachers have the necessary content knowledge to teach mathematics and science;

On page 349, line 6, strike the period and insert ''through the use of—

''(A) recruiting individuals with demonstrated professional experience in mathematics or science through the use of signing incentives and performance incentives for mathematics and science teachers as long as those incentives are linked to activities proven effective in retaining teachers;

''(B) stipends to mathematics teachers and science teachers for certification through alternative routes;

''(C) scholarships for teachers to pursue advanced course work in mathematics or science; and

''(D) carrying out any other program that the State believes to be effective in recruiting into and retaining individuals with strong mathematics or science backgrounds in the teaching field.

On page 350, line 4, insert ''engineers and'' before ''scientists''.

On page 350, between lines 4 and 5, insert the following:

''(9) Designing programs to identify and develop mathematics and science master teachers in the kindergarten through grade 8 classrooms.

''(10) Performing a statewide systemic needs assessment of mathematics, science, and technology education, analyzing the assessment, developing a strategic plan based on the assessment and its analysis, and engaging in activities to implement the strategic plan consistent with the authorized activities in this section.

''(11) Establishing a mastery incentive system for elementary school or secondary school mathematics or science teachers under which—

''(A) experienced mathematics or science teachers who are licensed or certified to teach in the State demonstrate their mathematics or science knowledge and teaching expertise, through objective means such as an advanced examination or professional evaluation of teaching performance and classroom skill including a professional video;

''(B) incentives shall be awarded to teachers making the demonstration described in subparagraph (A);

''(C) priority for such incentives shall be provided to teachers who teach in high need and local educational agencies; and

''(D) the partnership shall devise a plan to ensure that recipients of incentives under this paragraph remain in the teaching profession.

AMENDMENT NO. 473

(Purpose: To express the sense of the Senate concerning a freeze in the existing postal rates charged with respect to educational materials sent to schools, libraries, literacy programs, and early childhood development programs)

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

SEC. ___. SENSE OF THE SENATE CONCERNING POSTAL RATES FOR EDUCATIONAL MATERIALS.

(a) FINDINGS.—The Senate finds that—

(1) the President and Congress both agree that education is of the highest domestic priority;

(2) access to education is a basic right for all Americans regardless of age, race, economic status or geographic boundary;

(3) reading is the foundation of all educational pursuits;

(4) the objective of schools, libraries, literacy programs, and early childhood development programs is to promote reading

skills and prepare individuals for a productive role in our society;

(5) individuals involved in the activities described in paragraph (4) are less likely to be drawn into negative social behavior such as alcohol and drug abuse and criminal activity;

(6) a highly educated workforce in America is directly tied to a strong economy and our national security;

(7) the increase in postal rates by the United States Postal Service in the year 2000 for such reading materials sent for these purposes was substantially more than the increase for any other class of mail and threatens the affordability and future distribution of such materials;

(8) failure to provide affordable access to reading materials would seriously limit the fair and universal distribution of books and classroom publications to schools, libraries, literacy programs and early childhood development programs; and

(9) the Postal Service has the discretionary authority to set postal rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, since educational materials sent to schools, libraries, literacy programs, and early childhood development programs received the highest postal rate increase in the year 2000 rate case, the United States Postal Service should freeze the rates for those materials.

AMENDMENT NO. 503

(Purpose: To amend the eligibility requirements for the rural education initiative to account for geographic isolation)

On page 649, line 4, strike ''(1)'' and insert ''(1)(A)''.

On page 649, line 6, strike ''and'' and insert ''or''.

On page 649, between lines 6 and 7, insert the following:

''(B) each county in which a school served by the local educational agency is located has a total population density of less than 10 persons per square mile; and''.

On page 651, line 3, strike ''(1)'' and insert ''(1)(A)''.

On page 651, line 5, strike ''and'' and insert ''or''.

On page 651, between lines 5 and 6, insert the following:

''(B) each county in which a school served by the local educational agency is located has a total population density of less than 10 persons per square mile; and''.

AMENDMENT NO. 506

(Purpose: To provide that funds for teacher quality activities may be used to encourage men to become elementary school teachers)

On page 319, between lines 19 and 20, insert the following:

''(12) Funding projects and carrying out programs to encourage men to become elementary school teachers.

AMENDMENT NO. 508

(Purpose: To amend the Small, Rural School Achievement Program to allow funds to be used for local innovative education programs)

On page 648, line 18, strike ''or 4116'' and insert ''4116, or 5331(b)''.

On page 650, line 25, strike ''or 4116'' and insert ''4116, or 5331(b)''.

AMENDMENT NO. 598

(Purpose: To encourage the study of the Declaration of Independence, United States Constitution, and the Federalist Papers)

At the appropriate place insert the following:

''SEC. . THE STUDY OF THE DECLARATION OF INDEPENDENCE, UNITED STATES CONSTITUTION, AND THE FEDERALIST PAPERS.

''It is the sense of Congress that—

''(1) State and local governments and local educational agencies are encouraged to dedicate at least 1 day of learning to the study and understanding of the significance of the Declaration of Independence, the United States Constitution, and the Federalist Papers; and

''(2) State and local governments and local educational agencies are encouraged to include a requirement that, before receiving a certificate or diploma of graduation from secondary school, students be tested on their competency in understanding the Declaration of Independence, the United States Constitution, and the Federalist Papers.''

AMENDMENT NO. 625

(Purpose: To provide a technical correction)

On page 648, strike lines 4 through 8 and insert the following:

''(1) to carry out chapter 1—

''(A) $150,000,000 for fiscal year 2002; and

''(B) such sums as may be necessary for each of the 6 succeeding fiscal years; and ''(2) to carry out chapter 2—

''(A) $150,000,000 for fiscal year 2002; and

''(B) such sums as may be necessary for each of the 6 succeeding fiscal years.''.

AMENDMENT NO. 631

(Purpose: To allow literacy grant funds to be used for humanities-based family literacy programs)

On page 189, between lines 17 and 18, insert the following:

''(6) PRIME TIME FAMILY READING TIME.—A State that receives a grant under this section may expend funds provided under the grant for a humanities-based family literacy program which bonds families around the acts of reading and using public libraries.

Mr. BENNETT. Mr. President, I rise in support of an amendment to the Better Education for Students and Teachers Act that will make a minor but important technical change to the Rural Education Initiative, located in Title V of the bill. The Rural Education Initiative directs funds to school districts that lack the personnel and resources needed to compete for Federal competitive grants and often receive formula allocations in amounts too small to be effective in meeting their intended purposes.

As the bill is currently drafted, districts must meet two requirements to qualify for grants under this program. One of these requirements is that the district must have less than 600 students. This requirement poses a problem for many States that have geographically large districts. For instance, in my home State of Utah, there are only 40 school districts. Compare this to States of similar or smaller geographic size, some of which have more than 500 districts. The result is that many districts in States like Utah have more than 600 students and therefore fail to qualify for rural assistance, despite the fact that these districts may be in the most rural parts of the State. I have been to these districts. If the members of this body were to travel with me to Beaver School District in Beaver, Utah, they would find it hard to dispute the fact that Beaver is a rural district. But the students in Beaver School District will not receive any assistance under the Rural Education Initiative as it is currently written.

I do not wish to argue the merits of large districts versus small districts. The way a State chooses to run its educational system is rightly left up to State and local education authorities. However, Congress should not be in the business of penalizing States based on their educational systems.

My amendment alters the Rural Education Initiative to include an either/or provision that will allow districts to qualify in one of two ways: a district must have less than 600 students or must have a total population density of less than ten people per square mile. This minor change will allow a handful of school districts that do not currently qualify to become eligible for funding under this provision. It is important to note that no school district currently qualifying under the Rural Education Initiative will be disqualified by my amendment. However, this change will have a serious impact on places like Beaver, Utah, and on many other rural school districts around the country.

I encourage my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, I thank colleagues for their cooperation.

We are going to continue to work closely with our Members to try to move this process forward, and to do it in a timely way that will permit our colleagues, obviously, to speak to these measures where necessary and permit us to dispose of the amendments where necessary. But we do want to move ahead. I have every expectation we will have an opportunity to clear additional amendments tomorrow as well.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding, therefore, that for the balance of the evening we will simply participate in general debate on the bill and that tonight no more amendments will be offered to the bill. Tomorrow, as the Senator from Massachusetts has represented, there will be 20 minutes of debate equally divided when we go back to the bill, at which time there will be a vote on the Wellstone amendment, followed by the Senator from Maine, Ms. COLLINS, offering an amendment.

The PRESIDING OFFICER. Is there a unanimous consent request?

Mr. GREGG. That is not a unanimous consent request. That is just a summary of where we are. We are waiting

for the formal written document to make it clear that I did not make any mistakes, and pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Madam President, I ask unanimous consent that when the Senate resumes consideration of the education bill on Wednesday, there be 20 minutes of debate on the Wellstone amendment equally divided with no amendments in order to the amendment. I further ask unanimous consent that following the use or yielding back of the time, the Senate proceed to a vote in relationship to the amendment. I further ask unanimous consent that following that vote, the Senate then begin consideration of the Collins amendment No. 509.

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

MORNING BUSINESS

Mr. GREGG. Madam President, I ask unanimous consent that there now be a period of morning business.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 984 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

THE HIV/AIDS VIRUS

Mr. FRIST. Mr. President, I rise to speak on the 20-year anniversary of a truly remarkable event which, at the time, no one in the world would have envisioned its impact—its impact on people throughout the United States and on people throughout the world—indeed, its impact on impact. No one could have foreseen an impact which, from a public health perspective, has resulted in the single worst public health crisis since the bubonic plague ravaged Europe more than 600 years ago.

That event occurring 20 years ago today was the publication of a brief description of the first five cases of a disease that could not be explained. The five people mentioned happened to have been infected with a virus that had never previously been described, and which at the time had no name. The five people had been infected with what was later called the HIV virus, and they died of complications associated with AIDS.

It was a case study. It was published by the CDC. At the time I was a third year surgical resident at the Massachusetts General Hospital in Boston. I remember very vaguely 20 years ago those first case reports being talked about. And it was vague. It was obscure. Nobody had any idea because that virus had never been described in the history of mankind. Nobody had ever before talked about a virus with such power to destroy—to destroy cells, to destroy cellular function, to destroy life itself: the HIV/AIDS virus.

During my surgical residency, I was involved in operating every day. At the time, we had no earthly idea that this virus would infect much of our blood supply. No one knew that it would ultimately be transformed, 5 or 6 years later, into what became known as ''universal precautions,'' where, for the first time, we began to treat all blood in the operating room as potentially infected or potentially toxic. We started to wear double gloves. We started to wear a mask when we operated. We took these precautions to protect ourselves—not our patients This all occurred within a few years after these initial five cases were described. It changed the practice of medicine.

I had the opportunity earlier today to meet a wonderful person, a person whom I had previously only heard about. Her name is Denise Stokes. She has a wonderful voice and a wonderful story. The story was told to me and many others today.

Denise was infected with the HIV virus at the age of 13. Shortly after her infection was identified, she became active in the struggle against the virus. She described her many experiences in an intensive care unit. She described what it was like not to have access to available drugs. She talked about watching, in the depth of her illness, as policymakers talked about AIDS on television. She wondered whether at any point they would be able to respond to what has become the largest, most significant public health challenge in our lifetimes, in the last century—perhaps in the history of the world.

She talked about saying a silent prayer that hopefully there would be a cure someday. She talked about her hopes that someday she, by sharing her experiences, could become a catalyst for ultimately discovering a cure for HIV/AIDS.

Denise helped to put a face on heterosexual HIV infection in the 1980s. She was instrumental in gaining access to African-American churches in the early 1990s. As I said, she was infected when she was 13 years old. She is now 31. She talks to college students, community groups, and professional organizations sharing her story, a story that is powerful, a story that puts a face on HIV/AIDS.

No one 20 years ago, or even 15 years ago, would have ever guessed that this disease would become the single worst public health crisis in over 700 years.

People ask: What do we think about this virus now 20 years later? The Kaiser Family Foundation, in a very recent survey, showed two things about Americans' thinking: No. 1, they see AIDS is the most urgent international health issue; and, No. 2, after cancer, Americans view HIV/AIDS is the most urgent health issue here at home.

And the American public is right on target. We have learned a great deal about this disease over the last 20 years. We know how to prevent it. We have fairly effective drugs and treatment therapies today for treating HIV and AIDS-related infections. They work in most cases if they are available and if they are taken properly.

Over the last 20 years—remember, this virus was not around 21 years ago—AIDS has become a very effective killer. About 8,000 people will die somewhere in the world today from this virus, this single little virus that 21 years ago, to the best of our knowledge, had killed no one.

Its impact has been tremendous. Consider the research field—speaking as a physician and medical scientist, I can say that in 1981 we had no drugs to treat this virus. About 6 years later, we had six or seven drugs. Now, we have about 65 drugs to treat this virus. In spite of that, as I said, it is killing about 8,000 people a day.

One thing that gives us some hope is the great boldness, the genius of our research industry—both the public sector through NIH and the private sector through the pharmaceutical companies—where there are today over 100 drugs in the pipeline to combat HIV/AIDS.

Our successes have been many. We have reduced the incidence of mother-to-child transmission thanks to counseling, voluntary testing, and AZT for pregnant women. New HIV infections have declined sharply. The Ryan White CARE Act, which originated in the