

savings to the nation will be \$27 billion by 2030. The environmental benefits include a reduction of greenhouse gas emissions equal to taking more than 14 million cars off the road.

We must push the deployment of domestic, reliable and renewable energy from wind, solar, biomass and geothermal by creating markets and providing financial incentives. Today, California gets 12 percent of its energy from renewable energy while the rest of the country gets less than 2 percent of its electricity from renewable energy. We need to do a better job. Our nation has great potential for wind power—not only in states like North Dakota, South Dakota or Iowa but also in coastal states like Massachusetts. Planning is underway for an offshore wind farm off the coast of Massachusetts that will be generating as much as 400 megawatts of power—enough to power 400,000 homes.

We have only begun to tap the potential of geothermal in Western states and biomass, which can produce energy from farm crops, forest products and waste. But to seize this potential we must create the markets and financial incentives that will draw investment, invention and entrepreneurship. Unfortunately, America is falling behind. One of the challenges in wind development is long delays in purchasing equipment from European suppliers who have the best technologies but also long delays because of rapidly growing demand. I believe American companies should be the technological leaders supplying American projects—instead it's European firms. We must create the market and the incentives for these technologies and let America's entrepreneurs meet the demand.

Finally, we must look to the long term. If we are ever to convince the developing world that there is a better way, we must create that better way. To do so, we must invest in solving this problem with the same urgency that we have invested in space exploration, military technology and other national priorities. For too long our investments have been scatter shot and poorly coordinated—and lacked the intensity we need. We need a single effort, with strong leadership, that investigates how we meet this challenge and sets a path for a sustainable future.

If we do this, if we act early and invest in the future, I am confident our investment will be rewarded. It will bolster our economy, make us more energy independent, protect the public health and strengthen our national security. Unlike today, America will be the leader in clean energy technologies and we will export them to the world. As America has throughout our history, we will lead in finding a global solution—and we will protect the global environment for generations to come.

That is the challenge. I hope the Senate and House will show leadership in engaging in that effort.

I thank the Chair and I thank everybody else in delaying a little bit. I yield the floor.

#### RECESS

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

Thereupon, at 1:04 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

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

##### AMENDMENT NO. 536

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Hampshire.

I rise this afternoon to express my support for the amendment offered by my colleague from New Hampshire which would create a Federal private school choice demonstration project. This amendment closely tracks choice proposals that I have cosponsored myself, both with Senator GREGG and, before him, with Senator Coats of Indiana.

This is an experimental program. It is designed to test an idea that can help some of our children get a better education. It is focused exclusively on low-income families. It does not take any money that otherwise would go to our public schools, and it includes a strong evaluation component to determine what impact this program has both on academic achievement of participating students and on the public schools they leave behind.

It constructively answers a question that in too many places has gone unanswered for too long; namely, the question that parents have asked me—and I am sure others in this Chamber—parents whose children are trapped in failing public schools and yet who cannot afford to send them to a nonpublic school that the parents are confident would be better for their children.

How do we answer that question? How do we justify telling them to wait for their public schools to improve when their children may well be grown up or certainly have moved along in the school system by then, and particularly when other parents who can afford to do so are taking their children out of similar public schools?

Those are questions policymakers and politicians and educators around

the country have been struggling with for some time. The struggle is a real one. It is based on conflicting values, each of them strong and good, and conflicting loyalties, if you will. We share a common devotion to our public schools and the ideal of equal opportunity that they have made real for so many tens of millions of American citizens. But we also realize, as the underlying bill we are debating now acknowledges, that too many of our public schools, particularly in low-income areas, have not been realizing the promise of equal opportunity, that that promise has become effectively hollow.

On the one hand, we obviously cannot and will not abandon those public schools and certainly not abandon public education in general because it is the great democratizing force in American history. It is the great ladder up in American life. The public schools will always be the primary source of learning for most of our children.

We also don't want to abandon those disadvantaged children trapped in schools that their parents conclude are not adequately educating them and thereby sacrifice their hopes for a better life for their children to our vision of an idealized world.

The answer ultimately is, of course, to make our public schools better. That, as I will state in a moment, is the purpose of the underlying bill. I have struggled with the question and the dilemma, the question that parents have asked, for a long period of time. I have talked to many parents, visited many public schools in Connecticut where a lot of extraordinary good work and reform is going on. I have also talked with parents of children in schools where the kids are not receiving the education the parents believe they deserve and need. And those parents want to take their children and put them in a nonpublic school. I visited many of the nonpublic schools, particularly in Connecticut—those run by the Roman Catholic diocese in our State; they are run in some of Connecticut's poorest neighborhoods—accepting children. In many cases, most of the kids are not Catholic. The parents are very satisfied with the quality of education those children are receiving.

After all that inquiry, I decided—this goes back years ago—that school choice is a reform idea worth testing on a larger stage but not the one answer to all of our educational challenges and shortcomings. There is no one answer. This is an idea worth testing. That is when I began working with Senator Coats to develop a national demonstration project very similar—almost exactly similar—to that proposed in the amendment Senator GREGG has introduced today.

It was my belief then, and still is my belief, that we have an obligation to try everything we can to improve educational opportunities for all of our

children, to never refuse to open a single door behind which there may be a constructive answer that will help us better educate all of America's children.

The growing national demand for choice has, I believe, helped to awaken us to the educational crisis that has been plaguing our poorest urban and rural neighborhoods. We have watched the standards movement take off in States around the country and listened to Governors and reformers of both parties demand accountability for results, saying we can no longer tolerate failure in our attempts to educate our children.

We have been heartened by the academic achievement gains made in communities all across America. I think of Chicago and Hartford and districts throughout America that were once declared educational disaster areas and today are beacons of hope for the future of our children.

Now we in this body are considering the most sweeping Federal education reform plan in a generation. This has taken on the challenge of ending what the President has called "the soft bigotry of low expectations" and closing the achievement gap into which too many poor minority children are falling. Part of what makes the reform plan in the underlying bill so encouraging is that it provides a series of strong answers to that same tough question I am sure many of my colleagues have heard from parents of children in public schools that they believe are not adequately answering it.

This bill provides answers to that question because it will force districts to take bold steps to turn around failing schools, including radically reconstituting them, converting them into charter schools or, in the worst cases, actually closing them down and opening them as new schools. It will significantly expand the options for poor parents within the public school framework, guaranteeing that their children can transfer to higher performing public schools and providing them with transportation assistance to make that choice meaningful.

For those children who do not or cannot leave a failing school, this bill gives their parents the right to demand outside tutorial or supplemental services to ensure that their children are not being left behind.

The amendment Senator GREGG has offered would offer yet another option in the communities across America chosen to carry out this demonstration project for parents of children in schools that are failing. The fact is that all of the reforms I have described that are in the underlying bill before us are going to take some time to yield results. I am very optimistic about them. But even at the best, we have to be restless and unsatisfied in our continuing pursuit of a better education

for our children. The truth is, the journey to a better education for all of America's children has no final destination point; it will go on and on and on.

That is why I support the idea embodied in Senator GREGG's amendment which will test the school choice concept in a way that can benefit all of us who care about our children's education and at the same time provide a short-term educational lifeline for children involved in this demonstration program who are trapped in a school that is found to be failing, according to the accountability provisions of this underlying ESEA reform.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to have an additional moment to finish my statement.

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

Mr. LIEBERMAN. Mr. President, I understand there is no guarantee that if this amendment were adopted, the projects authorized under it would succeed. But that is the very point of the amendment. It is a test. It is saying that we are restless and unafraid in pursuit of the best education for each of America's children.

In fact, the research about the limited voucher programs that exist in cities across America today, such as in Milwaukee and Cleveland, is as controversial, in some ways, as the programs themselves. Some of the evidence is promising, suggesting that private school choice could improve achievement and drive change in the local public schools. And the fact that so much research is in dispute itself is an argument for a larger experiment, a national experiment, fully evaluated and reported on to provide us with better facts, better information, to make more informed judgments as we continue tirelessly, fearlessly, to explore every avenue to a better education for each and every one of America's children.

Mr. President, I will support the Gregg amendment.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 7 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

I appreciate the remarks of the Senator from Connecticut. I agree with him that it is time for this amendment to have a test. In fact, I think the vote on this amendment will tell the American people whether we are really serious about reforming education, which is what this legislation really ought to be all about.

I also think it is about which special interests are most exercised. Until

now, with only a few exceptions, the amendments to this bill approved by the Senate have increased spending and authorized new spending programs. These are the same measures that have produced generations of less-educated Americans. "After spending \$125 billion . . . over 25 years, we have virtually nothing to show for it." That is a quotation from Secretary Paige. It is what he said when he saw new data showing that 60 percent of our poor fourth graders are still essentially unable to read.

During this debate, the Senate voted to shovel billions of dollars more of taxpayers' money into this failed effort. At last count, measuring spending just on this bill, from last year, \$17 billion spent to approximately \$38 billion, it is well over a 100-percent increase. I think this is the context in which we should consider the amendment of the Senator from New Hampshire.

As pointed out by the Senator from Connecticut, this amendment simply establishes a demonstration program which would allow only 10 localities in 3 States the opportunity to extend school choice to low-income students in failing schools. The cost is \$50 million a year.

Given the colossal spending increases added to this bill over the last few weeks, it is ironic that some still argue that this amendment is denying needed resources to public schools.

No, the opposition to this amendment can only illustrate the truth of George Will's observation that "opposition to school choice is the most purely reactionary cause in contemporary politics."

This is not even a liberal versus conservative issue. Many distinguished voices of American liberalism have broken with the reactionary special interests and embraced school choice.

The list includes—but is not limited to—former Labor Secretary Robert Reich, Pulitzer Prize-winning columnist William Raspberry former Baltimore Mayor Kurt Schmoke, former Congressman Floyd Flake, and the editors of the Washington Post.

Most of these thoughtful observers deviated from liberal orthodoxy because they realize that their doctrine was hurting poor children.

President Bush has described literacy as "the new civil right." And he is right. When we allow the most disadvantaged to be cheated out of a decent education, we render the promise of equal opportunity hollow.

School choice keeps that promise, not just for the students who are able to exercise choice, but for all the students who attend schools in a community where choice is widely exercised.

My home State of Arizona has been a leader in the effort to provide parents with additional choices in education. Under the leadership of recently departed Superintendent of Public Instruction Lisa Graham Keegan, we

have instituted open enrollment, enacted the most liberal charter school law in the country, and restructured state education financing so that education funds follow the student to the institution of his or her choice.

One of the most interesting results is that because families are now empowered to exercise all these new options, the traditional schools are working harder to improve their performance. In response to some new charter schools, one district changed the curricula and other programs and took out ads in the paper to tell parents about efforts to improve upon its already strong academic offerings.

But the competition that the new charter schools created spurred them to do even better. Who benefited? The kids. And after all, isn't that what this is about?

It shouldn't be surprising that improvements resulted when Arizona began encouraging innovation by educators and providing more choice for parents and students.

Our Nation has thrived because our leading industries and institutions have been challenged by constant pressure to improve and innovate. The source of that pressure is vigorous competition among producers of a service or good for the allegiance of their potential consumers.

The alternative is monopoly, and a system that maintains a captive clientele by blocking all the exits, a system within which attempts to provide such an exit—even one so modest as that contained in this amendment—are considered a deadly threat.

We all know that any politician who crosses these reform foes can expect to pay a price.

We all recall how our former colleague Bill Bradley was pilloried in the Democrat primaries for the heresy of supporting proposals just like this one.

Senator Bradley tried to reason with his critics:

Advocates of school choice say that . . . it will create competition that will make the public schools better,

he noted, before concluding:

You don't know that unless you have a test.

The die-hard choice opponents don't want to know. Or perhaps they already do know.

Recently, along with a number of my colleagues, I had the opportunity to hear from Howard Fuller, who served as superintendent of schools in Milwaukee and helped implement that city's path-breaking choice program.

Dr. Fuller is a passionate and eloquent advocate for school choice. He gets to the heart of the opposition when he said:

Parents must be empowered to have their aspirations for their children's education taken seriously by educators. A critical step in that direction is when we give them the capacity to exercise choice. I believe that

[currently] our educational systems are . . . organized to protect the interests of those of us who work in these systems, not the needs and interests of the families we are supposed to serve. . . .

When we vote on this amendment, the Senate will decide: Is our purpose to protect the special interests or is it to protect the interests of American students and their families?

The choice is clear.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I hope we will consider seriously this pending amendment and the implications.

To clarify some of the record in terms of statistics that have been thrown about during this debate, there was mention on the floor early today that 63 percent of the American people support vouchers. The exact number is 63 percent support public school vouchers. The implication that this is 63 percent supporting vouchers to private schools is not an accurate figure at all.

The national exit polls in November showed by nearly an 80-percent margin Americans prefer investments in public schools to vouchers.

The State of California rejected its voucher referendum 71-29. Latinos rejected it by a higher margin, 77-23. Michigan rejected its voucher referendum 69-31. African Americans rejected it by a higher margin, 75-25. The notion that this is a concept that is supported by the American public or that has gone on trial is not the case.

Normally, one might ask, what is wrong with a demonstration program, with a budget of multibillions of dollars; why not take \$50 million and put it into a demonstration program to determine whether or not something like this works?

First of all, I suppose, only in Washington would a person consider \$50 million an insignificant amount of money. Particularly when we are trying to get funding for title I and special education and a variety of other needs out there, \$50 million may make a significant difference.

Putting aside the size of the amount being asked for, this is not a new idea. It is not an untested idea. Every place it has been tested it has not worked. Those are the facts.

States, counties, cities, have tried vouchers. There is no research that voucher students outperform public school students or that voucher programs improve public schools at all. Instead, vouchers take scarce resources from public schools that desperately need them. Remember, as we debate this issue, 55 million children went to school in America today; 50 million went to a public school; 5 million went to a private or parochial school.

The idea that we will take every desiring public school student and put

them into the structures that accommodate private school students is ridiculous on its face.

Although this is a pilot program, there are those who would make this a full-scale program if they could. This is, of course, to get \$50 million in the door to demonstrate in a sense that we ought to try this as a national scheme and underwrite people's desires to send their children to private or parochial schools. So the 50 million kids who are going to schools need to know whether or not we will be doing what we can to improve the quality of public education. That is where our primary responsibility is when it comes to elementary and secondary education needs.

What will help public schools, in my view, is not vouchers but better qualified teachers, smaller class size, safe and modern facilities, programs to increase parental involvement, and more afterschool programs. Even if every available space in private schools were filled by a transfer student from a public school in America, only 4 percent of the public school students would receive a voucher under the maximum set of circumstances. Which 4 percent will it be? Who makes that choice? It will not be a kid who can be a bit of a problem. Unlike a public school, a private school can cherry-pick who they want to have, who they don't want to have, who they want to reject, who they like or don't like. That is their right. I never fault or suggest that a private or parochial school ought to accept everyone who applies. So when you are setting up a private school program, many of which, by the way, cost hundreds and hundreds of dollars—the idea that somehow we are going to have a meaningful voucher program for some desperately poor black child growing up in a ghetto somewhere to go to the Taft School in Connecticut or some private institution is foolish, in my view. We are talking about a fraction, even if you had a national program here, a fraction of the students who would qualify.

Vouchers do not even provide a choice for many of the students who are eligible for them. Unlike public schools, private schools are not required to accept all students, nor is there any evidence that the few students who are able to use vouchers to attend private schools outperform public school peers. The most comprehensive study of the first 5 years of the Milwaukee voucher program showed no achievement differences between voucher students and public school students, not any after 5 years.

I ask for 2 additional minutes, if I could.

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

Mr. DODD. In fact, this is why I made the statement I did at the outset. This is not uncharted waters at all. Mr.

President, 30 years of research suggests that when background conditions and other factors are taken into account there are no significant differences in achievement between public and private school students. Supporters of vouchers also suggest that competition from vouchers will improve public schools; that competition will shake out the bad schools.

I am all for business models in a lot of areas, but education is not widgets. The business model starts with a premise that there are winners and losers. An educational model that starts with that premise is not consistent with leaving no child behind. We cannot afford for any school or any child to be a loser. We cannot guarantee there will be winners, but we ought to be able to guarantee an equal opportunity to win. The idea that some are just going to fail and that's the way life is is not the way we ought to be dealing with elementary and secondary educational needs.

I do not think we can afford for any school or child to be a loser in America. Just as there is no reliable research suggesting that voucher students outperform their peers, there is no reliable research that suggests that voucher programs improve public schools either. We know what does improve them: additional resources, better teachers, smaller class size, curriculum, model schools. Those are the things that make a difference. We do not need a Federal demonstration program to learn about voucher programs or about what is necessary to improve public schools. We already know that we do not improve public schools by draining away desperately needed resources and undermining public support for those schools.

Mr. President, I urge our colleagues to look at what the record has been on this issue. It has been developed. It is not new.

I have great respect for what private and parochial schools do. They make a significant contribution. But the idea somehow we are going to fund two school systems in America is unrealistic. We do not do a very good job at the one we have. The idea somehow we are going to underwrite two is terribly naive and detracts from the resource allocation we need in order to try to make those schools that are in trouble receive the kind of support they ought to be getting.

For those reasons, I urge our colleagues to reject the Gregg amendment.

I yield the floor.

Mr. KERRY. Mr. President, I am concerned by some of the major distortions of fact that have occurred during today's debate. Some Senators have erroneously cited polling data to buoy their claims that a majority of Americans support school vouchers. A closer look at some recent trends show otherwise.

I have heard some of my colleagues cite a National Education Association poll suggesting that 63 percent of Americans favor voucher programs. That is just plain wrong. In fact, that poll demonstrated that 63 percent of Americans favor public school choice—not voucher programs. There is a huge distinction there, and I am surprised that my colleagues are not a little more cautious in discussing these two very separate ideas. As we all know, public school choice allows students and parents the opportunity to participate in charter schools, magnet schools or even just another public school in the same district. Public school choice does not involve private schools at all. I should also point out that public school choice has been strongly endorsed in this bill, and I congratulate the many hands who helped shape this legislation to include a provision that support public school choice programs.

In the 2000 election, two States overwhelmingly rejected referendums on funding voucher programs. Californians rejected vouchers by 71-29 percent, while Michigan voters rejected vouchers by 69-31. Since some of my colleagues raised race as an issue in this debate, I would also add that minorities in both States rejected vouchers in numbers that far exceed the aggregate State totals. Wolverine State African Americans, for example, voted against the voucher referendum by a margin of 3-1.

The much-heralded Milwaukee voucher program has also recently come under scrutiny. Students participating in the public school's SAGE program—which includes smaller class sizes, rigorous curriculum and assessment, access to after school programs and increased professional development—have tested better than kids in voucher programs.

So with those points made, I would like to address a couple of other arguments that have been made this morning. Even as proponents tell us that vouchers improve public schools, reality tells us otherwise. The Milwaukee and Cleveland voucher programs—which cost \$29 million and \$9 million, respectively—do not cover the complete cost of private school tuition for the relatively few students served by the programs. Private schools can also reduce their budgets by not offering health services, breakfast and lunch programs, counselors, or services to special needs students. For less than the cost of either voucher program, other programs, such as the Success for All program, could be implemented in city public schools, thereby benefiting all children in the school district.

Voucher programs create the potential for discrimination. Awarding a voucher to a family does not guarantee that the student will be accepted into a private school. While Milwaukee schools may not discriminate against

disabled students, there is no requirement that they provide special education services. Likewise, private schools are not required to provide needed services to low-English proficient students or chronically disruptive students.

Finally, I take issue with colleagues who cry for accountability in our public schools, then blithely support voucher programs. I believe that our schools absolutely must be accountable for their students. But the enduring legacies of the Cleveland voucher experiment may well be bad budgeting and misspent funds rather than better results for students. A 1997 independent financial audit found that \$1.9 million had been misspent, including \$1.4 million paid to taxi companies transporting students to voucher schools. Since 1997, program officials have uncovered more than \$400,000 in taxi fares were billed on days when the students in question were absent.

Worse even than the taxi fiasco, in 1998, the program ran 41 percent over budget, forcing the State of Ohio to take \$2.9 million from public school funds to cover the overruns. That is \$3 million coming out of the State public school coffers to fund a program that, like today's amendment, was not supposed to "take money out of the public schools."

No one wants to improve schools in the poorest parts of America more than I do. But voucher programs are not the way to accomplish this very worthwhile goal. We simply do not have the resources to spend millions of dollars on a few students at the expense of the 90 percent of American children who attend public schools. So I urge my colleagues to reject this amendment and instead to support greater investment in our public schools.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I warmly endorse the comments of the senior Senator from Connecticut. As always, he is spot on with his analysis, and his point with regard to the Gregg amendment, which I strongly oppose, is exactly where I think we should come out.

Although I commend the author and supporters of the amendment for their concern about low-performing schools, I believe this amendment is misguided because it would undermine the public education system that is the very tie that binds our society.

I encourage the authors to show their passion to improve our poor-performing public schools by fully resourcing those proven initiatives that will change failed schools.

Mr. President, 90 percent of our children attend public schools. As our Nation becomes increasingly diverse—my

State, in particular, is blessed with incredible diversity—our public schools continue their fundamental purpose of uniting Americans while providing every child with the opportunity to succeed. That must be our mission—our passion. The availability of quality public education for all is defining to America's democracy.

If we adopt this vouchers measure, we would drain limited resources from our public schools and send a signal that we are prepared to erode the historical purpose and position of public education in America.

Much of the debate around vouchers is about choice. But the choice inherent in any vouchers proposal is false, meaningless choice.

Contrary to the rhetoric, vouchers would not ensure parental choice, because private schools can and do reject applicants for private reasons—including disability or language skills.

In fact, the only real choice vouchers will create is in the hands of the private schools.

That means that a child with limited English proficiency—let's keep in mind that there are over 4.1 million of such children in our schools—would not have a meaningful choice. That means that a child with learning disabilities wouldn't really have a meaningful choice. These children with unique educational needs—who most need the promise of a quality education—would often be left behind in schools we deem to be failing.

Vouchers are also a false choice because the amount being offered is too little to be meaningful. How many families, making \$32,000 or less, actually have the additional funds to allow them to take advantage of vouchers. What is the practical reality here?

In addition to vouchers setting up a false choice, vouchers provide no accountability. Now, I have been listening to much of the debate on this education bill, and one of the main themes has been about accountability. I support accountability. As a former businessman, I appreciate the importance of monitoring the success or failure of our investments.

But this voucher proposal provides no accountability. Under the proposal, we would divert critical public resources without any public oversight. This proposal would thus undermine the progress we are making towards increased accountability.

The incredible fact in this debate is that the evidence does not show that vouchers work. Experiments have shown that vouchers do not help improve student achievement. A University of Wisconsin-Madison professor found that there were no achievement differences between voucher student and comparable Milwaukee public school students.

Princeton University Professor Cecilia Rouse found that students in a

special Milwaukee program that used extra resources to reduce class sizes outperformed both regular public school students as well as voucher students in both reading and math.

The evidence also shows that vouchers do not reach the students most in need. Finally, they do nothing to help the public schools that are left behind to educate the vast majority of our children.

We are unfortunately operating in a time of limited resources. More limited now that we have made the choices we've taken on the recent tax cut.

We are underfunding title I, the critical engine of reform for our low-income school districts. Two-thirds of the eligible kids are left out. Similarly, we have been shirking the Federal Government's responsibility in fully funding IDEA, education for the disabled.

Just when we should be putting increased resources in our public schools—so that our reform efforts can be meaningful, and so that we can ensure that the children who need our help the most, get our help—we should not be siphoning critical funds to fund vouchers. If we want to reform schools, we need to provide those schools with real resources, not deprive them.

We have heard a lot of rhetoric lately about the need to ensure that no child is left behind, and about the need for school reform. But we must put our money where our mouth is, because reform without resources is a charade.

Even though supporters will argue that this proposal would not take away funding from the title I program, any money spent on vouchers is money that could and should be used to bolster our public schools.

We know what works. A good teacher in every class is the most important single factor in the quality of a child's education. We can do everything else right, but if we don't have good teachers, the educational system just won't work. That's why it is critically important that we provide real resources to attract and retain quality teachers, and to help teachers develop their skills.

We also know that smaller class sizes work. It's abundantly clear that smaller classes are better for children, and we've started to make progress in recent years. But we have not gone far enough. In my view, that's a serious mistake.

We also know that our children must go to school in safe modern school buildings, and that's why I have been fighting to modernize our schools.

In sum, there is no evidence that vouchers work. They do not provide a meaningful choice to families who struggle to ensure that their children receive a quality education.

And by diverting funds we undermine our other reform efforts and put at risk those who remain in our public system.

We should not give up on our public schools. I urge my colleagues to oppose this amendment.

Mr. GREGG. Mr. President, I yield to the Senator from Pennsylvania 8 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. I thank my colleague from New Hampshire.

I have listened to the remarks and to the complaints of those who are going to vote against this amendment. First, they say it is not going to work; that the only program out there that is in fact in place right now is Milwaukee. Yet the superintendent of the Milwaukee school districts has come to Washington, DC, over the past few months and pleaded for us to pass this proposal because he and the poor people of Milwaukee whose children don't have an opportunity to get a good quality education in the existing school system want this program. It is the ultimate accountability.

We don't have accountability. When you have the dollars and you can take them to this school or to that school, that is accountability. There is no accountability in the public system because there is no choice in the public system. Your child is trapped in the school if you have low income. The child is trapped in the school to which they are designated to go. Therefore, accountability is just simply a check sheet that you have to fill out for some government bureaucracy. But there is no accountability to the consumer of the product. Isn't that what we are talking about? The consumer is the child.

We worry so much and talk so much. By the way, I know people are concerned about the money. This bill under consideration, to my understanding, increases the amount of money we are going to spend on education by over 100 percent. To suggest somehow or another that we have been parsimonious with the money we are throwing around here for education is somewhat disingenuous. Hundreds of billions of dollars are being authorized for this legislation. We are looking at \$50 million for a pilot program.

What are people afraid of? Are you afraid this program will actually work? And if it does, it makes these hundreds of billions of dollars we are spending look as if we didn't know what we were doing. Are you afraid that it won't work and that there are some children right now who are getting a poor education who will continue to get a poor education?

There is no down side for these people. They are saying, if it doesn't work, we are no worse off than we are today. If you as the mother or father of a child in a poor school district want to give your child a chance, at least you are giving them hope of improving their situation. Hope is a powerful motivator. What are we afraid of? What are we afraid of?

Hundreds of billions of dollars are being pumped into our educational institutions through this bill, and we are running for the hills because there is \$50 million for pilot programs that only go into effect if the Governor and the people in the local community want it.

Let me underline that again. There is not a Federal mandate on any State. There is not a Federal mandate on any school. This says, if you are a Governor and you want to work with your cities—principally there are going to be cities that are underperforming and leaving children behind—we are going to give you a chance, with some Federal dollars, for you and the school district to innovate and to do something very different that might change a child's life.

We talk about leaving children behind. The Senator from Connecticut said we cannot afford to have any child be a loser. You make the assumption that there are no losers in the current system. Let me assure you that we have lots of losers when it comes to having the opportunity to get a good education in this country. Lots of children are losing out on the opportunity to get a good education in this country.

For us to say we are not going to give caring Governors, caring superintendents, school boards, and parents the choice of doing something different for children who are right now losing out because of fear that it might work—let me get to the bottom line—isn't that what it is all about? Aren't we really afraid this might work? Because if we are afraid it is going to fail, that child who is losing under the current system right now is going to be no worse off.

Aren't we really afraid of success here? What we have been talking about—these glorious proclamations we have made about how we are going to improve the quality of schools and change the system and how we are going to be the savior of education—can all come down to the fact that we just haven't been giving the right incentives to parents and kids to get the kind of education they want, that we haven't upgraded a system that has ultimate accountability.

The ultimate accountability is that you can walk with your money. Isn't that what we are afraid of? I think it is. I think it is a great fear of giving up control.

The big problem is my life; I don't want to give up control. I want control over every aspect of my life. One of the things I have found is that sometimes, by giving up control, wonderful things can happen. Whether it is the State, whether it is the local school board, or whether it is the Federal Government, we want control of every little aspect, all the way down to making sure we have our hands in everything, and to make sure everything is run right. We control all of it. We feel good because we are doing something about it.

But I think all of us know in our own lives that when we try to micromanage control, everything gets screwed up, particularly when you are doing it from Washington, DC, in every little city and school district.

We are talking about a child here. We are not talking about children. It is wonderful to talk about children. I am talking about a child, because you know that if you are a mother sending a child to a poor school, you are worried about that child.

What does this have to do with my child and my child's education? I don't care whether you are controlling all of this. All I want is to give my child a chance. That is what this bill does. This amendment gives my child—mine—a chance—not children, my child.

We are afraid of that. We are afraid to give parents the chance to care for my child. We want to care for children because we know best—because, of course, we are smarter than all the people who worry about their child. We know best. So we are going to dictate to you every step of the way as to where the billions of dollars go; \$50 million for a little pilot project that says we are going to give you the ability to take care of your child; we are going to give up control of your child; they say: Oh, no, we cannot do that. It is too risky. There might be a loser out there somewhere.

The PRESIDING OFFICER. The Senator has used the 8 minutes yielded to him.

Mr. SANTORUM. Thank you, Mr. President. I ask the question finally: What are we afraid of?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Pennsylvania for his strong and very effective statement in support of this amendment. I appreciate it.

I understand Senator KENNEDY is going to close on his side, and I am going to close on my side, and we will be ready to vote. My closing will be a little shorter than his closing because I have no more time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, I have 6 remaining minutes. Is that correct?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. KENNEDY. I ask the Chair to remind me when I have 30 seconds remaining.

Mr. President, I think we have had a good debate and discussion, and perhaps the best presentations of differing views on this matter during the last several hours.

I want to summarize the reasons I am strongly opposed to this amendment. We are talking about scarce resources. The case is made that this

really isn't money that is going to be used for education. That doesn't really stand. I think most of us who are opposed to this amendment believe that if we have public money, we ought to invest it in the areas where public school children can benefit.

The theme of this legislation is to try to take tried and tested ideas and to make them available to the local communities and give those ideas that have been tried and tested some additional incentives with financial support in order to enable the most challenged children and the neediest children in our society to make progress.

We are committed to it. This legislation is to use tried and tested techniques in order to enhance that possibility. I think over the period of this debate we have demonstrated that these voucher programs that have been tried, whether it was in Milwaukee, Cleveland, or other communities, have not really provided effective enhancement of the children's ability to learn.

Now, just finally, I have listened to the Senator from Pennsylvania. This isn't about a child's choice. We have to understand this. The voucher issue isn't about the choice of a child. It is the choice for the school. That is a major difference.

To try to represent to families all over this country that if this amendment is adopted, and their child is caught in a particular school, that parent will be able to take that child out and go to another school is wrong. That child's school will make a determination based upon their own considerations whether to admit that child.

The Senator from New Hampshire is going to modify his amendment to make sure children who have some disability or special needs will be able to be included, and that children can be selected on the basis of lottery. Still, it will be up to the school, but that is certainly an improvement.

Let me read from the Department of Education's study about the private schools and accepting students with special needs:

A policy of random assignment could mean that participating schools would accept any student who was assigned, including students with learning disabilities, limited English proficiency, or low achievement. However, when the private schools were asked specifically about a transfer program that would require participating private schools to accept such students, their interest in participating declined further. Under this circumstance, only 15 percent of the schools said they would be definitely or probably willing to participate. . . .

There is the answer. Fifteen percent are willing to take children who have some kind of special needs.

Secondly, in this report, in relation to participation in State assessments, 42 percent of the schools said they would be unwilling to participate.

Listen to this:

Permit exemptions from religious instruction or activities. Very few religious schools

would be willing to participate in a transfer program if they were required to permit exemptions from religious instruction or activities. Eighty-six percent of the religious schools are unwilling to participate under this condition.

There is no provision for that in the Gregg amendment, absolutely none. If a child is admitted, finally, on a lottery provision and goes to a particular school, they are going to have to attend the religious ceremonies in that school. At least 86 percent of the schools will require it.

Milwaukee did not do it. They had a provision that excused it. Not in the Gregg amendment. This is not well thought through. The Senator says that hard-pressed parent out there, that single mom, is going to have a choice. That is baloney. That is not true.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. The school is going to make the decision. It is going to be as true as I am standing here, that if that child has special needs, there is no sense in applying; if that child has limited English, there is no sense in applying; if that child is a homeless child, there is no sense in applying. That is the record. That is why we should reject this amendment.

Let's take scarce resources and invest them where they should be invested; and that is in tried and tested programs that will enhance the children's academic achievement in the public schools of this country.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator's time has expired.

Mr. GREGG. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 14½ minutes.

Mr. GREGG. Tried and tested programs, that is a fairly unique way to describe a program that has left literally hundreds of thousands of children behind. The average low-income child in this country today, in a fourth grade class, reads at two grade levels less than their peers. Only half of those kids even graduate from their high school. They have been left behind. That is the whole point. That is why parents in inner-city schools want to have the opportunity to have some options.

That is why when the Children's Scholarship Fund put up some money and asked if there was anybody out there who wanted to go to a different school, you had literally thousands, actually 1.3 million children applying for those 40,000 slots which were limited to low-income kids.

That is why the Milwaukee school system has found it to be so successful. That is why Florida has found it to be so successful. Because it is the low-income children—specifically, the children of parents who in many instances

are single moms—who have been locked into schools that have failed year after year after year, who have no options because the schools will not improve. No matter how much money we put into the schools, they simply will not improve. That is why those parents want another opportunity.

Let me read from a couple of statements made by some of these parents. We have Carol Butts, from the Milwaukee schools:

When my daughter Evan finished fifth grade in the Milwaukee public school system, she could not multiply; she couldn't even write. Our family has limited income, so we didn't have too many choices. When I learned about the Milwaukee Parental Choice Program, I was ecstatic. In two years there, her school work has really improved.

These are specific cases.

Tracy Richardson:

I first looked at three public school options. Classes were unruly. A magnet public school was better, but there was a waiting list. . . . I ended up using the A+ program to choose Montessori Elementary School. It has improved my child's learning immensely.

Tony Higgins:

The Milwaukee program let me choose schools that I think are best for my girls. I believe both of them will have a choice to go on to college because of the voucher program.

These are real people who were locked into inner-city schools who did not have the option for education that those folks who have more money have, who were seeing their kids left behind. All they wanted for their children was a decent education. So through choice programs, in Milwaukee, Ohio, and Florida, a few parents have had that opportunity.

This idea that choice does not work is just a lot of hokum. It is a straw dog. A study by Kim Metcalf at Indiana University, the official evaluation of the Cleveland program in Ohio, found statistically significant gains in the test scores of students who were on vouchers. A study by Jay Greene and Paul Peterson found statistically significant math and reading score gains in the Milwaukee school voucher system. A study by a Princeton group found quite large statistically significant math gains for the Milwaukee Choice Program. Study after study has proven these programs work.

The idea that the other side has promoted, which is totally elitist, which is the problem, of course—opposition to the concept of choice is elitist by definition—is that we know best for parents—these parents whose children are locked in these schools and want to get out, we know best for them.

How outrageous that we stand in this Senate Chamber and do not give parents an option to allow their children to compete for the American dream.

The niece of Dr. Martin Luther King had it right. This is a civil right that we are talking about. The right to have a decent education is a civil right.

When we year after year after year put children in schools that fail, we deny them that civil right.

This amendment is very simple. It is very small. It is very focused. Ten school districts across the country get the opportunity to participate, if they wish. Then the only parents who can participate are parents of families with \$32,000 of income or less who are actually having their kids attend schools where for 3 years those schools have been defined as "failing." And then, in order to protect the system more and assure fairness, we say the students who go to the private schools will be chosen by lottery. So there isn't any creaming or any attempt to skew the system.

In addition, we have language in this amendment that specifically says there can be no discrimination. That has been a straw dog that has been put up on the other side that if anybody bothered to read the amendment they would have seen did not apply.

Then we put in very tough evaluation standards to see whether or not the system works, to see whether or not private school choice works.

So what is there to fear from the other side? What is it that they fear? I think the Senator from Pennsylvania had it right. They fear that parents may actually choose to send their kids to a private school and that that may actually produce children who are actually competitive academically and who have a shot at the American dream, and it may—and this is what is really feared—put pressure on the public school system to change. It may threaten those unions which for years have told us that mediocrity works; that if we dumb down, it is acceptable; that we can have failed schools as long as we pay a union wage.

They fear this may actually disrupt the public school system. Should we not disrupt the public school system where year after year the schools have failed? Of course, we should. We should improve it. The way you improve it is to bring competition into the system, which is what this amendment does.

I go back to my experience as a child when I saw that elected official, the Governor of a State in our country, standing in the doorway of a school in Arkansas, I believe, unfortunately. I know my colleague from Arkansas opposed that aggressively and is glad that it is no longer the situation there. When that Governor stood in the door of that school and the Army had to come to allow a child to go into the school, that was an imprint on my youth. That is one of those visual things one remembers. I just couldn't understand how that could happen in our country, how somebody could block a child from going to school.

What is happening today is there are people standing in the school door of failed schools, of schools filled with

drugs and violence, schools where they do not teach, schools where children from year to year shuffle from classroom to classroom and cannot learn and are not allowed to learn and who, therefore, cannot participate in the American dream. We have people in this Congress standing in the doorway, blocking that doorway from allowing those children to leave that school and go across the street and participate in a school where they will learn and have the opportunity to participate in the American dream. It is an irony which has to disappoint us all.

Choice, portability, vouchers, to use the pejorative term, what is it all about? It is all about one thing: It is about children, giving America's children an opportunity to learn. It is especially about low-income children, locked in the inner city, whose only way out of their situation is education. When we deny them this choice, we deny them the opportunity to participate in the American dream.

That is not right and it is not fair. This minor exercise, in the sense of funding and in the sense of scope, should not be viewed with such antipathy from the other side. Rather, it should be viewed as an opportunity to see whether or not the arguments they make so aggressively are valid. If they have the courage of their position, they should allow this demonstration program to go forward because they will prove that it fails. In any event, they will have spent \$50 million on at least improving a few children's opportunities to learn.

I can't understand why it is opposed, but I can understand this: If we do not get on the path of correcting these failing schools, and we do not get on the path of giving children in those schools options to learn in an environment which is conducive to learning, then we will lose another generation. As a nation, we can't afford that.

It is my hope that this amendment will be accepted, and I look forward to the vote.

AMENDMENT NO. 536, AS MODIFIED

Mr. GREGG. Madam President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to modification of the amendment?

Without objection, it is so ordered.

The amendment (No. 536), as modified, is as follows:

On page 628, between lines 9 and 10, insert the following:

**"Subpart 4—Low-Income School Choice Demonstration**

**"SEC. 5161. LOW-INCOME SCHOOL CHOICE DEMONSTRATION.**

"(a) SHORT TITLE.—This section may be cited as the 'Low-Income School Choice Demonstration Act of 2001'.

"(b) PURPOSE.—The purpose of this section is to determine the effectiveness of school choice in improving the academic achievement of disadvantaged students and the overall quality of public schools and local educational agencies.

"(c) DEFINITIONS.—In this section:

"(1) CHOICE SCHOOL.—The term 'choice school' means any public school, including a public charter school, that is not identified under section 1116, or any private school, including a private sectarian school, that is involved in a demonstration project assisted under this section.

"(2) ELIGIBLE CHILD.—The term 'eligible child' means a child in grades kindergarten through 12—

"(A) who is eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1964;

"(B) who attended a public elementary or secondary school, or who was not yet of school age, in the year preceding the year in which the child intends to participate in the project under this section; and

"(C) who attends, or is to attend, a public school that has been identified as failing for 3 consecutive years under section 1116 or by the State's accountability system.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a public agency, institution, or organization, such as a State, a State or local educational agency, a county or municipal agency, a consortium of public agencies, or a consortium of public agencies and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

"(A) receive, disburse, and account for Federal funds; and

"(B) carry out the activities described in its application under this section.

"(4) EVALUATING ENTITY.—The term 'evaluating entity' means an independent third party entity, including any academic institution, or private or nonprofit organization, with demonstrated expertise in conducting evaluations, that is not an agency or instrumentality of the Federal Government.

"(5) PARENT.—The term 'parent' includes a legal guardian or other individual acting in loco parentis.

"(6) SCHOOL.—The term 'school' means a school that provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, to carry out this section.

"(e) PROGRAM AUTHORIZED.—

"(1) RESERVATION.—From the amount appropriated pursuant to the authority of subsection (d) in any fiscal year, the Secretary shall reserve and make available to the evaluating agency 5 percent for the evaluation of programs assisted under this section in accordance with subsection (k).

"(2) GRANTS.—

"(A) IN GENERAL.—From the amount appropriated pursuant to the authority of subsection (d) and not reserved under paragraph (1) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out not more than 10 demonstration projects (which may include 1 state) under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

"(B) CONTINUING ELIGIBILITY.—The Secretary shall continue a demonstration project under this section by awarding a grant under subparagraph (A) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary de-

termines that such eligible entity was in compliance with this section for such preceding fiscal year.

"(3) USE OF GRANTS.—Grants awarded under paragraph (2) shall be used to pay the costs of—

"(A) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of transportation, if any, and the costs of complying with subsection (i)(1)(A), if any, for their eligible children to attend a choice school; and

"(B) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides education certificates under this section or 10 percent in any subsequent year, including—

"(i) seeking the involvement of choice schools in the demonstration project;

"(ii) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

"(iii) making determinations of eligibility for participation in the demonstration project for eligible children;

"(iv) selecting students to participate in the demonstration project;

"(v) determining the amount of, and issuing, education certificates;

"(vi) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

"(vii) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in subsection (k).

"(4) CIVIL RIGHTS.—

"(A) IN GENERAL.—A choice school participating in the project under this section shall comply with title VI of the Civil Rights Act of 1964 and shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this section.

"(B) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

"(i) APPLICABILITY.—With respect to discrimination on the basis of sex, subparagraph (A) shall not apply to a choice school that is controlled by a religious organization if the application of such subparagraph is inconsistent with the religious tenets of the choice school.

"(ii) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subparagraph (A) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

"(iii) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subparagraph (A) shall be construed to prevent a parent from choosing, or a choice school from offering, a single-sex school, class, or activity.

"(C) REVOCATION.—If the eligible entity determines that a choice school participating in the project under this section is in violation of subparagraph (A), then the eligible entity shall terminate the involvement of such schools in the project.

"(f) AUTHORIZED PROJECTS; PRIORITY.—

"(1) AUTHORIZED PROJECTS.—The Secretary may award a grant under this section only for a demonstration project that—

“(A) involves at least one local educational agency that receives funds under section 1124A; and

“(B) includes the involvement of a sufficient number of choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to demonstration projects—

“(A) involve at least one local educational agency that is among the 20 percent of local educational agencies receiving funds under section 1124A in the State and having the highest number of children described in section 1124(c);

“(B) that involve diverse types of choice schools; and

“(C) that will contribute to the geographic diversity of demonstration projects assisted under this section.

“(g) APPLICATIONS.—

“(1) IN GENERAL.—Any eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

“(2) CONTENTS.—Each application described in paragraph (1) shall contain—

“(A) information demonstrating the eligibility for participation in the demonstration program of the eligible entity;

“(B) with respect to choice schools—

“(i) a description of the standards used by the eligible entity to determine which schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children consistent with state law;

“(ii) a description of the types of potential choice schools that will be involved in the demonstration project;

“(iii)(I) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

“(II) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

“(iv) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this section than the choice school does for other children;

“(v) an assurance that each choice school will admit children on the basis of a lottery;

“(vi) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this section, an educational program similar to the educational program for which such choice school will accept such education certificates;

“(vii) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

“(viii) an assurance that choice schools will accept the amount of the scholarship as full payment of tuition and fees;

“(C) with respect to the participation in the demonstration project of eligible children—

“(i) a description of the procedures to be used to make a determination of eligibility for participation in the demonstration project for an eligible child, which shall include—

“(I) the procedures for obtaining, using and safeguarding information from applications for free or reduced price meals under the

Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1964; or

“(II) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility for such participation for an eligible child;

“(ii) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will give priority to eligible children from the lowest income families;

“(iii) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

“(I) the number of parents provided education certificates under this section who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

“(II) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this section; and

“(iv) a description of the procedures to be used to ensure compliance with subsection (i)(1)(A), which may include—

“(I) the direct provision of services by a local educational agency; and

“(II) arrangements made by a local educational agency with other service providers;

“(D) with respect to the operation of the demonstration project—

“(i) a description of the geographic area to be served;

“(ii) a timetable for carrying out the demonstration project;

“(iii) a description of the procedures to be used for the issuance and redemption of education certificates under this section;

“(iv) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this section for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

“(v) a description of the procedures to be used to provide the parental notification described in subsection (j);

“(vi) an assurance that the eligible entity will place all funds received under this section into a separate account, and that no other funds will be placed in such account;

“(vii) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

“(viii) an assurance that the eligible entity will cooperate with the evaluating entity in carrying out the evaluations described in subsection (k);

“(ix) an assurance that the eligible entity will—

“(I) maintain such records as the Secretary may require; and

“(II) comply with reasonable requests from the Secretary for information;

“(x) a description of the method by which the eligible entity will use to assess the progress of participants in math and reading and how such assessment is comparable to assessments used by the local educational agency involved;

“(xi) an assurance that if the number of students applying to participate in the project is greater than the number of students that the project can serve, participating students will be selected by a lottery; and

“(x) an assurance that no private school will be required to participate in the project without the private school's consent; and

“(E) such other assurances and information as the Secretary may require.

“(h) EDUCATION CERTIFICATES.—

“(1) IN GENERAL.—

“(A) AMOUNT.—The amount of an eligible child's education certificate under this section shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

“(B) CONSIDERATIONS.—

“(i) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this section an eligible entity shall consider—

“(I) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

“(II) the cost of complying with subsection (i)(1)(A).

“(ii) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this section was attending a public school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this section the eligible entity shall consider the tuition charged by such school for such eligible child in such preceding year.

“(C) SPECIAL RULE.—An eligible entity may provide an education certificate under this section to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project or the cost of complying with subsection (i)(1)(A).

“(2) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this section to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also be adjusted in any fiscal year to comply with subsection (i)(1)(A).

“(3) MAXIMUM AMOUNT.—Notwithstanding any other provision of this subsection, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

“(4) INCOME.—An education certificate under this section, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

“(i) EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.—

“(1) EFFECT ON OTHER PROGRAMS.—

“(A) IN GENERAL.—An eligible child participating in a demonstration project under this section, who, in the absence of such a demonstration project, would have received services under part A of title I shall be provided such services.

“(B) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

“(2) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this section may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

“(3) SPECIAL RULE.—

“(A) IN GENERAL.—Notwithstanding the provisions of section 9(b)(2)(C)(iii) and (iv) of the Richard B. Russell National School Lunch Act, information obtained from an application for free or reduced price meals under such Act or the Child Nutrition Act of 1964 shall, upon request, be disclosed to an eligible entity receiving a grant under this section and may be used by the eligible entity to determine the eligibility of a child to participate in a demonstration project under this section and, if needed, to rank families by income in accordance with subsection (g)(2)(C)(ii).

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Information provided under this paragraph shall be limited to the information needed to determine eligibility or to rank families in a demonstration project under this section and may be used only by persons who need the information to determine eligibility or rank families in a demonstration project under this section.

“(ii) LIMITATIONS.—A person having access to information provided under this paragraph shall be subject to the limitations and penalties imposed under section 9(b)(2)(C)(v) of the Richard B. Russell National School Lunch Act.

“(4) CONSTRUCTION.—

“(A) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section.

“(B) DESEGREGATION PLANS.—Nothing in this section shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this section.

“(j) PARENTAL NOTIFICATION.—Each eligible entity receiving a grant under this section shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

- “(1) describe the demonstration project;
- “(2) describe the eligibility requirements for participation in the demonstration project;
- “(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;
- “(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;
- “(5) provide information about each choice school, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

“(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

“(k) EVALUATION.—

“(1) ANNUAL EVALUATION.—

“(A) CONTRACT.—The Secretary shall enter into a contract with an evaluating agency for the conduct of an ongoing rigorous evaluation of the demonstration program under this section.

“(B) ANNUAL EVALUATION REQUIREMENT.—The contract described in subparagraph (A) shall require the evaluating agency to annually evaluate each demonstration project under this section in accordance with the criteria described in paragraph (2).

“(2) EVALUATION CRITERIA.—The Secretary shall establish such criteria for evaluating the demonstration program under this section. Such criteria shall include—

“(A) a description of the implementation of each demonstration project under this section;

“(B) a comparison of the educational achievement between students receiving education certificates under this section and students otherwise eligible for, but not receiving education certificates under this section;

“(C) a comparison of the level of parental satisfaction and involvement between parents whose children receive education certificates and parents from comparable backgrounds whose children did not receive an education certificate; and

“(D) a description of changes in the overall performance and quality of public elementary and secondary schools in the demonstration project area that can be directly or reasonably attributable to the program under this section.

“(3) REPORTS.—

“(A) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this section shall submit, to the Secretary and the evaluating agency, an annual report regarding the demonstration project under this section. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

“(B) REPORTS BY EVALUATING AGENCY.—

“(i) IN GENERAL.—The evaluating agency shall transmit to the Secretary and the Congress 2 interim reports on the findings of the annual evaluation under this subsection.

“(ii) FIRST INTERIM REPORT.—The first interim report under clause (i) shall be submitted not later than September 20, 2003, and shall, at a minimum, describe the implementation of the demonstration projects under this section and shall include such demographic information as is reasonably available about—

“(I) the participating schools (both the choice schools and the schools that have been identified as failing);

“(II) the participating and requesting students and background of their families; and

“(III) the number of certificates requested versus the number of certificates received.

“(iii) SECOND INTERIM AND FINAL REPORT.—The second interim and final report under this subparagraph shall be submitted to the Secretary and the appropriate committees in Congress not later than September 30, 2006, and June 1, 2008, respectfully, and shall, at a minimum, include the information described in clause (ii), as well as any additional information deemed necessary by the Secretary.

Mr. GREGG. Madam President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 536, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—41

Allard	Frist	McConnell
Allen	Gramm	Murkowski
Bennett	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hatch	Santorum
Byrd	Helms	Sessions
Campbell	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Cochran	Inhofe	Stevens
Craig	Kyl	Thompson
DeWine	Lieberman	Thurmond
Domenici	Lott	Voinovich
Ensign	Lugar	Warner
Fitzgerald	McCain	

NAYS—58

Akaka	Dodd	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Enzi	Nelson (NE)
Bond	Feingold	Reed
Boxer	Feinstein	Reid
Breaux	Graham	Rockefeller
Burns	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carnahan	Hollings	Smith (OR)
Chafee	Jeffords	Snowe
Cleland	Johnson	Specter
Clinton	Kennedy	Stabenow
Collins	Kerry	Thomas
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Crapo	Leahy	Wyden
Daschle	Levin	
Dayton	Lincoln	

NOT VOTING—1

Inouye

The amendment (No. 536), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, we thank all our Members. Now we have agreed to consider the Carper amendment. We have a time limit, I believe a 2-hour time limit, evenly divided, so we expect our next vote sometime around quarter of 6. Perhaps we will be able to yield back some time, but we are trying to move this along.

Mr. GREGG. If the Senator will yield, it is my understanding after the Carper amendment we are going to have 10 or 20 minutes equally divided on the Dodd amendments?

Mr. REID. If the Senator from New Hampshire will yield, we cleared with Senator KENNEDY and with you, we are going to have a half hour evenly divided and then vote on the Dodd

amendment dealing with comparability, amendment No. 459.

Senator DASCHLE wishes to have a number of other amendments resolved tonight. We will do that. We will work with the two managers to move on.

Mr. GREGG. We are now moving onto the Carper-Gregg amendment?

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware, Mr. CARPER, is recognized to call up amendment No. 518, on which there shall be 2 hours of debate.

AMENDMENT NO. 518, AS MODIFIED

Mr. CARPER. Madam President, I ask unanimous consent amendment No. 518 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The clerk will report the amendment. The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] for himself, Mr. GREGG, Mr. FRIST, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. KERRY, Ms. LANDRIEU, Mr. BIDEN, Mr. CRAPO, Mr. DEWINE, Mr. ENSIGN, and Mr. BREAUX, proposes an amendment numbered 518, as modified.

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

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

The amendment is as follows:

(Purpose: To promote parental involvement and parental empowerment in public education through greater competition and choice)

On page 45, between lines 20 and 21, insert the following:

“(H) Each State plan shall provide an assurance that the State’s accountability requirements for charter schools (as defined in section 5120), such as requirements established under the State’s charter school law and overseen by the State’s authorized chartering agencies for such schools, are at least as rigorous as the accountability requirements established under this Act, such as the requirements regarding standards, assessments, adequate yearly progress, school identification, receipt of technical assistance, and corrective action, that are applicable to other schools in the State under this Act.

On page 763, between lines 10 and 11, insert the following:

**SEC. 502. EMPOWERING PARENTS.**

(a) **SHORT TITLE.**—This section may be cited as the “Empowering Parents Act of 2001”.

(b) **PUBLIC SCHOOL CHOICE.**—

(1) **SHORT TITLE OF SUBSECTION.**—This subsection may be referred to as the “Enhancing Public Education Through Choice Act”.

(2) **PURPOSES.**—The purposes of this subsection are—

(A) to prevent children from being consigned to, or left trapped in, failing schools;

(B) to ensure that parents of children in failing public schools have the choice to send their children to higher performing public schools, including public charter schools;

(C) to support and stimulate improved public school performance through increased public school competition and increased Federal financial assistance;

(D) to provide parents with more choices among public school options; and

(E) to assist local educational agencies with low-performing schools to implement districtwide public school choice programs or enter into partnerships with other local educational agencies to offer students inter-district or statewide public school choice programs.

(3) **PUBLIC SCHOOL CHOICE PROGRAMS.**—Part A of title V, as amended in section 501, is further amended by adding at the end the following:

**“Subpart 4—Voluntary Public School Choice Programs**

**“SEC. 5161. DEFINITIONS.**

“In this subpart:

“(1) **CHARTER SCHOOL.**—The term ‘charter school’ has the meaning given such term in section 5120.

“(2) **LOWEST PERFORMING SCHOOL.**—The term ‘lowest performing school’ means a public school that has failed to make adequate yearly progress, as described in section 1111, for 2 or more years.

“(3) **POVERTY LINE.**—The term ‘poverty line’ means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, for the most recent fiscal year for which satisfactory data are available.

“(4) **PUBLIC SCHOOL.**—The term ‘public school’ means a charter school, a public elementary school, and a public secondary school.

“(5) **STUDENT IN POVERTY.**—The term ‘student in poverty’ means a student from a family with an income below the poverty line.

**“SEC. 5162. GRANTS.**

“The Secretary shall make grants, on a competitive basis, to State educational agencies and local educational agencies, to enable the agencies, including the agencies serving the lowest performing schools, to implement programs of universal public school choice.

**“SEC. 5163. USE OF FUNDS.**

“(a) **IN GENERAL.**—An agency that receives a grant under this subpart shall use the funds made available through the grant to pay for the expenses of implementing a public school choice program, including—

“(1) the expenses of providing transportation services or the cost of transportation to eligible children;

“(2) the cost of making tuition transfer payments to public schools to which students transfer under the program;

“(3) the cost of capacity-enhancing activities that enable high-demand public schools to accommodate transfer requests under the program;

“(4) the cost of carrying out public education campaigns to inform students and parents about the program;

“(5) administrative costs; and

“(6) other costs reasonably necessary to implement the program.

“(b) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this subpart shall supplement, and not supplant, State and local public funds expended to provide public school choice programs for eligible individuals.

**“SEC. 5164. REQUIREMENTS.**

“(a) **INCLUSION IN PROGRAM.**—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall—

“(1) allow all students attending public schools within the State or school district

involved to attend the public school of their choice within the State or school district, respectively;

“(2) provide all eligible students in all grade levels equal access to the program;

“(3) include in the program charter schools and any other public school in the State or school district, respectively; and

“(4) develop the program with the involvement of parents and others in the community to be served, and individuals who will carry out the program, including administrators, teachers, principals, and other staff.

“(b) **NOTICE.**—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall give parents of eligible students prompt notice of the existence of the program and the program’s availability to such parents, and a clear explanation of how the program will operate.

“(c) **TRANSPORTATION.**—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall provide eligible students with transportation services or the cost of transportation to and from the public schools, including charter schools, that the students choose to attend under this program.

“(d) **NONDISCRIMINATION.**—Notwithstanding subsection (a)(3), no public school may discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, or disability in providing programs and activities under this subpart.

“(e) **PARALLEL ACCOUNTABILITY.**—Each State educational agency receiving a grant under this subpart for a program through which a charter school receives assistance shall hold the school accountable for adequate yearly progress in improving student performance as described in title I and as established in the school’s charter, including the use of the standards and assessments established under title I.

**“SEC. 5165. APPLICATIONS.**

“(a) **IN GENERAL.**—To be eligible to receive a grant under this subpart, a State educational agency or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) **CONTENTS.**—Each application for a grant under this subpart shall include—

“(1) a description of the program for which the agency seeks funds and the goals for such program;

“(2) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;

“(3) if the program is carried out by a partnership, the name of each partner and a description of the partner’s responsibilities;

“(4) a description of the policies and procedures the agency will use to ensure—

“(A) accountability for results, including goals and performance indicators; and

“(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

“(5) such other information as the Secretary may require.

**“SEC. 5166. PRIORITIES.**

“In making grants under this subpart, the Secretary shall give priority to—

“(1) first, those State educational agencies and local educational agencies serving the lowest performing schools;

“(2) second, those State educational agencies and local educational agencies serving

the highest percentage of students in poverty; and

“(3) third, those State educational agencies or local educational agencies forming a partnership that seeks to implement an interdistrict approach to carrying out a public school choice program.

**“SEC. 5167. EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.**

“(a) IN GENERAL.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(b) EVALUATIONS.—In carrying out evaluations under subsection (a), the Secretary may use the amount reserved under subsection (a) to carry out 1 or more evaluations of State and local programs assisted under this subpart, which shall, at a minimum, address—

“(1) how, and the extent to which, the programs promote educational equity and excellence; and

“(2) the extent to which public schools carrying out the programs are—

“(A) held accountable to the public;

“(B) effective in improving public education; and

“(C) open and accessible to all students.

**“SEC. 5168. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this subpart \$125,000,000 for fiscal year 2002 and each subsequent fiscal year.”.

**(c) PUBLIC CHARTER SCHOOL FACILITIES FINANCING.—**

(1) SHORT TITLE OF SUBSECTION.—This subsection may be cited as the “Charter Schools Equity Act”.

(2) PURPOSES.—The purposes of this subsection are—

(A) to help eliminate the barriers that prevent charter school developers from accessing the credit markets, by encouraging lending institutions to lend funds to charter schools on terms more similar to the terms typically extended to traditional public schools; and

(B) to encourage the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

**(3) CHARTER SCHOOLS.—**

(A) CONFORMING AMENDMENT.—Section 5112(e)(1), as amended in section 501, is further amended by inserting “(other than funds reserved to carry out section 5115(b))” after “section 5121”.

(B) MATCHING GRANTS TO STATES.—Section 5115, as amended in section 501, is further amended—

(i) in subsection (a), by inserting “(other than funds reserved to carry out subsection (b))” after “this subpart”;

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following:

“(b) PER-PUPIL FACILITIES AID PROGRAMS.—

“(1) GRANTS.—

“(A) IN GENERAL.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, programs in which the States make payments, on a per-pupil basis, to charter schools to assist the schools in financing school facilities (referred to in this

subsection as ‘per-pupil facilities aid programs’).

“(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection or its predecessor authority;

“(ii) 80 percent in the second such year;

“(iii) 60 percent in the third such year;

“(iv) 40 percent in the fourth such year; and

“(v) 20 percent in the fifth such year.

**“(2) USE OF FUNDS.—**

“(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

“(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent of the amount to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

**“(3) REQUIREMENTS.—**

“(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

“(B) STATE LAW.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(i) is specified in State law;

“(ii) provides annual financing, on a per-pupil basis, for charter school facilities; and

“(iii) provides financing that is dedicated solely for funding the facilities.

“(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(5) PRIORITIES.—In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5112(e).

**“(6) EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.—**

“(A) IN GENERAL.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary may carry out evaluations, provide technical assistance, and disseminate information.

“(B) EVALUATIONS.—In carrying out evaluations under subparagraph (A), the Secretary may carry out 1 or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address—

“(i) how, and the extent to which, the programs promote educational equity and excellence; and

“(ii) the extent to which charter schools supported through the programs are—

“(I) held accountable to the public;

“(II) effective in improving public education; and

“(III) open and accessible to all students.”.

(C) AUTHORIZATION OF APPROPRIATIONS.—Section 5121, as amended in section 501, is further amended to read as follows:

**“SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart \$400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) RESERVATION.—For fiscal year 2002, the Secretary shall reserve, from the amount appropriated under subsection (a)—

“(1) \$200,000,000 to carry out this subpart, other than section 5115(b); and

“(2) the remainder to carry out section 5115(b).”.

(4) CREDIT ENHANCEMENT INITIATIVES.—Subpart 1 of part A of title V, as amended in section 501, is further amended—

(A) by inserting after the subpart heading the following:

**“CHAPTER I—CHARTER SCHOOL PROGRAMS”;**

(B) by striking “this subpart” each place it appears and inserting “this chapter”; and

(C) by adding at the end the following:

**“CHAPTER II—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION**

**“SEC. 5126. PURPOSE.**

“The purpose of this chapter is to provide grants to eligible entities to permit the entities to establish or improve innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

**“SEC. 5126A. GRANTS TO ELIGIBLE ENTITIES.**

“(a) GRANTS FOR INITIATIVES.—

“(1) IN GENERAL.—The Secretary shall use 100 percent of the amount available to carry out this chapter to eligible entities having applications approved under this chapter to carry out innovative initiatives for assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) NUMBER OF GRANTS.—The Secretary shall award not fewer than 3 of the grants.

“(b) GRANTEE SELECTION.—

“(1) DETERMINATION.—The Secretary shall evaluate each application submitted, and shall determine which applications are of sufficient quality to merit approval and which are not.

“(2) MINIMUM GRANTS.—The Secretary shall award at least—

“(A) 1 grant to an eligible entity described in section 5126I(2)(A);

“(B) 1 grant to an eligible entity described in section 5126I(2)(B); and

“(C) 1 grant to an eligible entity described in section 5126I(2)(C),

if applications are submitted that permit the Secretary to award the grants without approving an application that is not of sufficient quality to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under this chapter shall be in sufficient amounts, and for initiatives of sufficient scope and quality, so as to effectively enhance credit for the financing of charter school acquisition, construction, or renovation.

“(d) SPECIAL RULE.—In the event the Secretary determines that the funds available to carry out this chapter are insufficient to permit the Secretary to award not fewer than 3

grants in accordance with subsections (a) through (c)—

“(1) subsections (a)(2) and (b)(2) shall not apply; and

“(2) the Secretary may determine the appropriate number of grants to be awarded in accordance with subsections (a)(1), (b)(1), and (c).

**“SEC. 5126B. APPLICATIONS.**

“(a) IN GENERAL.—To receive a grant under this chapter, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(b) CONTENTS.—An application submitted under subsection (a) shall contain—

“(1) a statement identifying the activities proposed to be undertaken with funds received under this chapter, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance the charter schools will receive;

“(2) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(3) a description of the applicant’s expertise in capital market financing;

“(4) a description of how the proposed activities will—

“(A) leverage private sector financing capital, to obtain the maximum amount of private sector financing capital, relative to the amount of government funding used, to assist charter schools; and

“(B) otherwise enhance credit available to charter schools;

“(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

“(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the schools need to have adequate facilities; and

“(7) such other information as the Secretary may reasonably require.

**“SEC. 5126C. CHARTER SCHOOL OBJECTIVES.**

“An eligible entity receiving a grant under this chapter shall use the funds received through the grant, and deposited in the reserve account established under section 5126D(a), to assist 1 or more charter schools to access private sector capital to accomplish 1 or more of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(3) The payment of start-up costs, including the costs of training teachers and purchasing materials and equipment, including instructional materials and computers, for a charter school.

**“SEC. 5126D. RESERVE ACCOUNT.**

“(a) IN GENERAL.—For the purpose of assisting charter schools to accomplish the objectives described in section 5126C, an eligible entity receiving a grant under this chapter shall deposit the funds received through the grant (other than funds used for administrative costs in accordance with section 5126E) in a reserve account established and maintained by the entity for that purpose.

The entity shall make the deposit in accordance with State and local law and may make the deposit directly or indirectly, and alone or in collaboration with others.

“(b) USE OF FUNDS.—Amounts deposited in such account shall be used by the entity for 1 or more of the following purposes:

“(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5126C.

“(2) Guaranteeing and insuring leases of personal and real property for such an objective.

“(3) Facilitating financing for such an objective by identifying potential lending sources, encouraging private lending, and carrying out other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, for such an objective, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(c) INVESTMENT.—Funds received under this chapter and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(d) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this chapter shall be deposited in the reserve account established under subsection (a) and used in accordance with subsection (b).

**“SEC. 5126E. LIMITATION ON ADMINISTRATIVE COSTS.**

“An eligible entity that receives a grant under this chapter may use not more than 0.25 percent of the funds received through the grant for the administrative costs of carrying out the entity’s responsibilities under this chapter.

**“SEC. 5126F. AUDITS AND REPORTS.**

“(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this chapter shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(b) REPORTS.—

“(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this chapter annually shall submit to the Secretary a report of the entity’s operations and activities under this chapter.

“(2) CONTENTS.—Each such annual report shall include—

“(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant auditing the financial records of the eligible entity;

“(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

“(C) an evaluation by the eligible entity of the effectiveness of the entity’s use of the Federal funds provided under this chapter in leveraging private funds;

“(D) a listing and description of the charter schools served by the entity with such Federal funds during the reporting period;

“(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5126C; and

“(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this chapter during the reporting period.

“(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this chapter.

**“SEC. 5126G. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.**

“No financial obligation of an eligible entity entered into pursuant to this chapter (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this chapter.

**“SEC. 5126H. RECOVERY OF FUNDS.**

“(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(1) all of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this chapter, that the entity has failed to make substantial progress in carrying out the purposes described in section 5126D(b); or

“(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5126D(b).

“(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5126D(b).

“(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

“(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

**“SEC. 5126I. DEFINITIONS.**

“In this chapter:

“(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given such term in section 5120.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

**“SEC. 5126J. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this chapter \$200,000,000 for fiscal year 2002 and each subsequent fiscal year.”

(5) INCOME EXCLUSION FOR INTEREST PAID ON LOANS BY CHARTER SCHOOLS.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 139 and section 140 and by inserting after section 138 the following new section:

Mr. CARPER. Madam President, I yield myself such time as I may consume.

Let me begin by extending my appreciation to Senator GREGG and a number of our colleagues, both Democrats and Republicans, for joining me in offering this amendment today.

Over the course of the last several weeks, we have found considerable common ground as we seek to redefine the role of the Federal Government in education. We believe we need to invest, at the Federal level, more resources, but in programs that work. We agree on the need to give that money to schools and school districts from the Federal Government more flexibly. We agree if we are going to provide more resources, and if we are going to provide those dollars more flexibly, we should demand results there should be accountability. Finally, we all agree on the need to impart to parents the ability to make choices about the schools their children attend.

In the 50 States, all but one have adopted rigorous standards about what they expect their students to know and do. In more than half the States of our country this past school year, tests were given to measure student progress toward their State standards in subjects such as math and science and English and social studies. States throughout America have wrestled with consequences, with accountability systems. How do we hold schools accountable, school districts accountable, parents accountable, and politicians as well? We have wrestled with those questions in Delaware. I know we are wrestling with them in all 50 States.

The bill we are working on, as it has been modified to date, has some important elements I want us to address with this amendment. I hope in offering this amendment we will make this bill better. I think there is a need for the changes we are offering in this amendment.

Under the legislation that has been modified to date and that stands before us today, we call on States to set their academic standards. For the most part they have done that. We call on States to prepare tests—some have prepared tests to measure student progress, but in this case we are calling on States to prepare tests to measure student progress on an annual basis from the third to eighth grade. We are calling on States to decide at what level they expect all of their students to perform roughly 10 years out.

In each of the next 10 years, we are asking them to spell out the benchmarks, the performance levels at which they expect their students to be able to perform, in year 1, 2, 3, 4, and so on, out to the 10th year.

There are consequences for schools where students do not meet the benchmarks, the improvement that the

States themselves agreed on for their own schools. For failing schools—schools that fail to meet their annual progress improvement goals—the consequence is not great in the first year. They will receive technical assistance—more help. I think that is appropriate.

The second year a school fails to meet the annual improvement goals for their students, more technical assistance is provided, but there are some additional consequences as well.

By the time we get to year 4, for a school that has continued failing 4 years in a row, meaning their students have not met the benchmarks set by their school, set by their State, the consequences become more severe. Let me mention a few of them.

First of all, the school district in which that school has failed 4 years in a row must offer public school choice, must provide the transportation for students to go from a failing school to a school that is not failing. In addition, the school district is faced with one of a limited number of options for addressing what to do with that failing school. One of those options is to turn the school over to the State to run. Another option is to disband the school with respect to existing faculty and administration and start all over. A third option will be to turn the school over to a private sector enterprise, a private entity, to run the school. And a fourth option is to mandate that the school be transformed and turned into a charter school.

Personally, I hope by the end of year 4 there are not any schools that are failing in this country. But I think that may be the triumph of man's hope over experience. We have tens of thousands of schools. We have thousands of school districts across America. There are going to be schools that do not meet the standards, the benchmarks set by their own States—in some cases, 4 years in a row. What do we do within the Federal Government to help nurture, to foster, to ease that transition to public school choice in those schools that have failed 4 years in a row?

I think Delaware was the first State to implement public school choice statewide. We did so to inject market forces into our public schools by saying to parents that if your child's school is failing to meet your expectations for your child, you have the option to go to a variety of other schools, and the State will pay for the transportation. It makes for wonderful change, for good change, and for a positive change as we introduce elements of competition into public education.

Unfortunately, if you look at what we are offering within the Federal Government to assist, to nurture, to encourage, and to help ease that transition from traditional public schools to maybe statewide public school choice, we do precious little.

The amendment I offer today with Senator GREGG and others says that we ought to do a good deal more. In this amendment, we do.

The second question I want to ask rhetorically is, If we say in this legislation before us today that after 4 years of failure we have to do something with that failing school—one of the options is to turn it into a charter school—what do we do to help make sure that folks who want a charter school might have some ability to succeed in starting a charter school? How do we help them?

Under current law, we do a couple of things. Under current law, there is a basic charter school planning and development grant. It does not address brick and mortar, but it helps people who have an idea they would like to start a charter school and are not sure how to do it. It supports technical resource centers and clearinghouses that help point to what is working in other places to start charter schools; but with respect to brick and mortar, to help with the biggest challenge involved in starting up a charter school: Where are we going to have the school? How are we going to pay for building the school? How are going to take over an existing building and refurbish it for our school? It is a huge challenge in my State and every other State. There are 36 States that now have charter schools. But current law doesn't help much in that regard. We help very little in terms of the money that we appropriate. In the current fiscal year 2001 Labor-HHS appropriations bill, there is a \$25 million grant to public entities and private entities that are engaged in providing credit enhancement to help provide space for charter schools. That help might come in the form of loan guarantees. It might come in the form of subsidized loans. It is \$25 million.

The amendment before us today says that we ought to grow both of these approaches. In the first case, instead of providing \$25 million—the program is currently authorized at \$100 million—why don't we increase the authorization to \$200 million to provide the assistance that charter schools really need to get started?

In the second case, we propose with our amendment to provide short-term matching grants to States that will help these charter schools on the brick and mortar side on the capital side.

Currently, in my State folks running a charter school and kids going to that charter school may receive operating money per student at that school equal to the operating funds that go to students in other public schools. However, in those other public schools, if they want to rebuild the school, build a new school, or refurbish a school, the State of Delaware will sell tax-exempt bonds for those public schools. The State of Delaware will pay anywhere from 60 to

80 percent of the cost of the principal and interest on those bonds. If a charter school is trying to get started in my State on the brick and mortar side, we don't do anything for them. We don't issue tax-exempt bonds, or even pay for 1 percent of their capital costs, much less 60 to 80 percent. If you look at the other 36 States, for the most part, those States provide just about the same help to charter schools on the capital side as Delaware—does.

I don't think it is the role of the Federal Government to come in and make up all of that difference. We can, as a Federal government, through loan guarantees and subsidized loans, encourage other public and nonpublic entities to assist in starting up charter schools and paying for the brick and mortar costs.

We can also provide incentives from my State and other States to provide some capital costs and capital assistance for charter schools. We will provide matching grants at the Federal level. We will not pay for all of it, but we will provide matching grants to help States get those charter schools started.

At the beginning of the debate I asked to modify the amendment. I did so because there are some tax consequences that are not appropriate to be debated in the context of this bill because they are within the purview of the Senate Finance Committee and the House Ways and Means Committee. I will mention them anyway. I will use my State as an example because that is what I know best.

If the State of Delaware wants to help build public schools, we issue tax-exempt bonds. If a charter school wants to build a school for themselves, they borrow money. The interest is not tax-free. A charter school may be right alongside a traditional public school. The public school gets tax-exempt bonds. Whoever loans the money to the charter school has to pay taxes on the interest.

I don't think that is right or fair. I would like to change that. Unfortunately, we cannot do that today. We will try to come back and address it in another venue with another vehicle.

For people who voted against the Gregg amendment on a demonstration for vouchers, I understand it was a tough vote. But for people who weren't willing to experiment in that way with choice, I urge you to consider this approach.

If you think public school choice can really help introduce market forces and competition into our public schools—other States are trying it—I urge you to vote for this amendment. If you think that we may be able to replicate the success of schools across America as we have done in Delaware—I urge you to vote for this amendment. The Presiding Officer, in another role as First Lady, actually came to the

very first charter school we started in Delaware about 5 years ago. We were pleased to welcome her there. We were trying to start a charter high school. I say to the Presiding Officer that last year when the results were counted for tests in reading, math, science, and so forth, the high school that did the best of all the public high schools in Delaware was the Wilmington charter school that she visited.

In my State, the only school out of almost 200 schools where every student who took the Delaware math test last year actually met or exceeded the State's math standards, believe it or not, is the school that has the highest incidence of poverty in the State. Eighty-three percent of the kids at the East Side charter school receive free or reduced-price lunches. No other school in our State has an incidence of poverty such as that.

Those are only two examples of charter schools: one is a high school and another is K through 3. Charter schools are working well.

I hope we will say that the Federal Government should have an obligation. Under the accountability provisions of this legislation, I think there is a real obligation to assist in pushing forward public school choice and in making the transition from traditional public schools to charter schools. Maybe it is not easy, but it is something that is doable.

I retain the balance of my time. I turn it over to my colleague, and again say to Senator GREGG, thanks for joining in support of this legislation and, in fact, for amending this legislation to help to make it better.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Delaware has 45 minutes, 42 seconds. The opposition still has 1 hour.

Mr. CARPER. Madam President, it is not clear to me who controls the time in opposition.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to opposition time.

Mr. GREGG. I am not claiming opposition time. I am in support of the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to time on the opposition side.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, would the Chair restate the request?

The PRESIDING OFFICER. There has been no request of the Chair.

The Senator from Nevada.

Mr. REID. Senator CARPER asked who was in opposition to this amendment. Senator KENNEDY was predisposed, working with his staff. Senator KENNEDY is opposed to the amendment and would control the time.

I ask Senator KENNEDY, is that right?

Mr. KENNEDY. Just for the purposes of this moment now.

Mr. CARPER. Madam President, I yield to the Senator from New Hampshire whatever time he needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Delaware.

Madam President, I support the Senator from Delaware in his amendment. I thank him for bringing it forward. The Senator, of course, served as Governor of Delaware prior to coming to the Senate. He understands intimately the issues that are involved in education, as all Governors do, because it is the No. 1 issue with which most Governors deal. Therefore, I think his amendment, which I am supporting, is a reflection of a comprehensive understanding of the question of how we try to address the improvement of our school systems.

I believe that those who have been exposed to the charter school movement see in it the embryo of a way to move our school systems into a phase of significant improvement.

Charter schools are being tried in a lot of States. In fact, they have expanded dramatically across the country. I think we are now up to some multiple thousand charter schools. They have caught on because they make sense.

Essentially, what a charter school does is give a community which is unhappy with the way the public school system is working an opportunity, within the public school structure, to set up an independent school, which is a public school but which is not subject to the restrictions that the public school system may put on the traditional school in the community, thus creativity can and does occur within that charter school.

In fact, there are many instances of charter schools being cited as schools that have radically improved the educational services delivered to the communities, and to students in those communities.

I know, for example, that President Bush is fond of citing his experience with a charter school in Houston. I have forgotten the name of the school, but I do recall vividly his discussion of it on the campaign trail, especially when he was in New Hampshire, and his enthusiasm about the way this charter school had taken a low-income urban school district population, which basically did not have a very good experience in the educational system, and turned it around so that it was now the leading school in the State in that age group.

That happens because charter schools are vibrant and exciting places. To begin with, the people who start them are enthusiastic about education. They want to make sure that children have

an opportunity to learn in a different climate. Therefore, they start these schools with the energy that comes from a new expedience and desire to change and improve the community, and especially the educational system.

They have a great track record. But they have run into some problems. What the Carper amendment does is essentially try to address, to the extent the Federal Government can participate in addressing this issue, some of the concerns of these school systems. One of the biggest I think—and one of the reasons I am excited about the amendment—is it addresses the capital needs of actually starting these schools. Even though he has had to modify the amendment in order to avoid a technical problem with the Ways and Means Committee on the House side—those who are familiar with the Ways and Means committee understand it is extremely territorial. I served on it and, I assure you, that is part of the character of the Ways and Means Committee—even with that adjustment, the amendment has in it initiatives which will allow charter school construction costs to be alleviated, or participated in to some degree, through these new funds which will be available.

That is very important because one of the biggest problems you run into with a charter school is not getting the talent, the people who want to run it out getting the building into shape where it actually can handle kids coming into the school system. So that, in my opinion, will be a very positive impact of this amendment.

Also, I think it should be pointed out that this amendment assists in the transportation activity, which is a critical part of the charter school problem. A lot of parents want to send their kids to a charter school, but they are low-income parents, and they do not have the capacity to physically move their kids from their home to the school. The school their child may be attending might be around the block, but it might be a school that simply isn't working and they may want their child to go to a charter school. But that charter school may require a significant amount of transportation costs on a daily basis, which may simply exceed the ability of a low-income parent to maintain. So this amendment assists in that area.

It is also important for us to understand—at least I believe it is important for us to understand—the way you improve education is not by a top-down approach. We in Washington do not have the answers. It is that simple. The way you improve education is by allowing the creative minds of the educational community, and the parents, to step on to the playing field of education and do what they think is best, do it with aggressiveness and do it with imagination.

Charter schools are an example of that opportunity. We should not say a charter school must be set up this way or must have this amount of procedure. It is just the opposite. We should simply say: You have the option to take that charter school route, if you want. And if you decide to go that way, we are going to help you by assisting you with the dollar support which will work for your benefit, and allow the school to be creative.

Some might argue: This is a new program or a significant increase in a program. And with all the other new programs that have been put into this bill, is it appropriate to create another program or add another significant amount of money into this bill. Obviously, I have reservations about that. I am concerned about the fact that this bill has exploded in costs. The 10-year cost of this bill presently exceeds the original cost of this bill by almost \$200 billion.

But I think what we have to remember is that what this bill should be doing is creating incentives for creative ideas and approaches. And charter schools, as much as anything else that can occur in the educational community, will accomplish that goal.

In this bill money is being spent to promote programmatic activity that is already in place and that maybe isn't working all that well or, if it is working all that well, maybe is tangential to dramatically increasing the learning capacity of children.

Charter schools, on the other hand, are working and we know they will significantly impact the capacity of children to improve their education, not only because the child who is in the charter school gets a better education but because charter schools, by definition, put pressure on the rest of the public school community within that city or town or State to improve. So it is bringing competition into the public school system using the public school system itself.

We just had an amendment to try to bring competition into the public school system using the private school system. That was rejected. This amendment stays within the context of the public school system and brings competition into the system. As a result, in my opinion, it puts significant positive pressure on the other public schools to improve their product. And as a result, I think that is very positive.

Mr. REID. I ask the Senator from New Hampshire if he will yield?

Mr. GREGG. I certainly will yield.

Mr. REID. I have spoken to Senator KENNEDY, and Senator KENNEDY is not in opposition to this amendment. I want to make sure the Senator knows that prior to completing his remarks. So I do not know who is in opposition to the amendment. I guess the Senator from Delaware will find out later. At

this time we know of no one who is in opposition.

Mr. GREGG. I am sure the Senator from Delaware will be relieved to hear no one is in opposition to the amendment. I certainly am. That is good news.

Mr. REID. The Senator wishes to speak on the amendment after you finish.

Mr. GREGG. With that good news, I will curtail my statement and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield myself such time as I might use on the amendment.

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

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the pending amendment addresses two important growing policy areas: Public school choice and public charter schools. First, the amendment provides grant support to States seeking intra- and inter-district public school choice plans. That is very important, given where we are in other provisions of the bill. Second, the pending amendment provides specific assistance to charter schools struggling with capital school construction needs. That is going to be very important, given the provisions of the bill that will require schools to restructure and reorganize if they fail to meet certain goals.

I support public school choice. Our legislation already provides parents of children in low-performing schools the option to transfer to other public schools or charter schools. But public school choice programs bring added costs that come with, most significantly, added transportation needs. If we are truly to support public school choice, we should provide the districts aid for their increased transportation costs.

I also support charter schools. Like public school choice which can encourage districtwide improvement, charter schools can provide more options to parents within the public school system. I think we should do more to support the charter schools in the area in which they have the greatest need—school construction.

Charter schools do not have the same capital resources that regular public schools do. Charter schools cannot float tax-exempt bonds as public school districts can. Charter schools primarily have new building construction needs. Noncharter, public schools and public school districts, on the other hand, primarily have building repair needs. Just as there are charter schools with unique and urgent school repair and construction needs, there are also regular public schools with unique and urgent school repair and construction needs. We should also provide school construction assistance to both charter schools and regular public schools.

That is the difficulty I find in the logic of my friends who opposed the Harkin proposal in terms of providing help to meet the construction needs in our public school system, a best estimate of over \$130 billion in needs. We recognize the importance of having a facility that is going to be safe for children and that is also going to be responsive to the children's needs in terms of a modern classroom. I know Senator HARKIN has made the case, and Senator FEINSTEIN and others, of the importance of giving assistance to local communities. They are not required to take that help, but when you realize the age of many of our school facilities, particularly in many of the older cities of the country, as well as in many of the rural areas, you know there is an extraordinary need.

What is so apparent is that children attending schools which are in dilapidated condition sends a very powerful message to the students. On the one hand, they go to modern supermarkets and modern malls and they see what investments in these kinds of facilities would mean. They are valued by their parents or their grownups. Then on the other hand, parents are sending children off to schools which are dilapidated, which are in need of repair, where in many instances the electrical systems aren't working or their air-conditioning is not working, the windows are not repaired.

I am supporting this proposal, but it is important to wonder why we in the Senate, if we are going to provide this kind of help for the construction of charter schools, are not providing assistance to the public schools. I find it difficult to understand the response in this area by many of our colleagues on this side of the aisle, their traditional argument that this is a local responsibility. The fact is, we are trying to find ways of creating a climate where children can learn. If we are not going to provide the classroom situation for that learning process, we are not really meeting our responsibilities.

I am supporting this program, but I do think the need for school renovation and modernization across the board is extraordinary. The National Center on Education Statistics reports that nationwide more than \$127 billion is needed for public school construction, repair, and modernization. The American Society of Engineers reports that average school repair costs per child are \$3,800.

All of the reforms included in the BEST Act will be dramatically undermined if we continue to send children to dilapidated, overcrowded, out-of-date schools. When we send children to inadequate, crumbling schools, we send them the message that they don't matter. What does it say to a child when their classroom is a school bathroom, when windows are broken and roofs are leaking?

We should support public school and public charter school construction needs. We need to keep in mind that 97 percent of all public school children go to noncharter schools. I continue to hold out hope that we will provide badly needed school construction assistance to regular public schools and public charter schools. Construction and modernization needs are great across the board.

I urge my colleagues to support the pending amendment and hope we can continue to work in the future to support construction and modernization needs nationwide.

There may be those who say we are not going to support it because we are not meeting our responsibility to public schools. There may be some of our colleagues who fall in that category. I would rather see us do what is right for children in meeting our responsibility on the public school choice provisions which are included and also with regard to charter schools.

My great regret about this amendment is that it is leaving out 97 percent of the public schools that ought to get help. This amendment is a very modest amendment. It is a useful amendment. But for me it sort of fails to hit the mark in providing the assistance which is needed in the area of construction.

I know we have to do the best we can. There was a broader kind of amendment that was not accepted in the Senate. The Senator from Delaware has come up with a proposal to at least provide some construction funding in areas where there is need. Hopefully, as this whole process moves ahead, we will find some opportunity to find a way of helping the other public schools in this country with their construction needs as well.

This amendment is useful. I hope it reminds us of the fact that we are not meeting our responsibilities in construction and assistance to other public schools and that we will continue to work in that area to help the children of this country.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. CARPER. Madam President, let me express my thanks to the chairman, the Senator from Massachusetts, for his support and for his words.

I have said on the floor before and I say it again today: We all acknowledge, the role of the Federal Government is not to run our schools, the role of the Federal Government is to try to level the playing field at least a little bit for kids who come, in some cases, from hopelessly disadvantaged backgrounds. The appropriate role of the Federal Government is to help identify what is working to raise student achievement across the country.

An appropriate role for the Federal Government is, when we do identify those things that are working, to en-

courage them. We nurture those ideas. We try to share those ideas with others around the country.

I remember when I was Governor of Delaware, about 5 years ago we were debating public school choice. I had just signed, as Governor, public school choice into law. I remember overhearing a conversation between a couple of school administrators. They didn't know I was listening, but I was.

I heard one administrator say to the other: If we don't offer parents what they want for their children in our public schools, their children will go to another school where they are offering what they want for their children. I said to myself at the time: He's got it. Because in Delaware and other places where we have public school choice, particularly when you provide help on the transportation side so that it is really meaningful, if a student in school A isn't getting what they want or their parents want for them, they can go to school B. The transportation is provided for, and the money follows the students.

That is a really important concept. The money follows the student. In our State, the State provides anywhere from \$6,000 to \$7,000 per student for their education. When one child goes from school A to school B, the \$6,000 or \$7,000 follows that student. If one student moves from school A to school B, not many people are going to take notice of that. If 10 students move from school A to school B, that is 10 times \$6,000 or \$7,000, which is \$60,000 or \$70,000. Maybe somebody will notice that. If 100 students move from school A to school B because they are offering something school A is not offering, somebody is going to notice that certainly; they are certainly going to notice it in school A. The question they began to ask in my State was: What are they offering there that we are not offering? Maybe we ought to offer it as well.

It is the very best thing to come out of competition and out of the market forces we have introduced. Let me also add that I have always believed that the role of government, and particularly the Federal Government, in education is not to row the boat. The role of the Federal Government is maybe to help steer the boat. The Federal Government provides less than 10 percent of the resources for the education of our children. States provide much more. In Delaware, it is 70 percent. Nationally, I think it is about 50 percent. The rest comes from local property taxes.

But if we in this body, in this Capitol, in our role as the Federal Government—certainly the legislative side of it—if we can help identify those things that work and if we can nurture them and help steer and not row the boat, our kids, in a lot of places, with relatively modest investments, are going

to end up with a better education and be better prepared to go on and face the world with the skills they will need to be successful in college and in work and in life.

Senator KENNEDY said this is a modest but useful amendment. I think it is going to prove even more useful than we dare to hope today. If it is adopted and ends up in the final bill that goes to the President, we will have a chance to test that premise. I sincerely hope we do.

Again, to Senator GREGG, and to others who joined us in cosponsoring the original bill which underlies the amendment, and this amendment itself, I express my thanks.

Madam President, I yield back whatever time remains and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. We have to determine if there is a sufficient second.

Is there a sufficient second?

There is not a sufficient second.

Mr. REID. Madam President, 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. REID. 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. REID. Madam President, it is my understanding that the Senator from Delaware has yielded back his time.

The PRESIDING OFFICER. The Senator is correct. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 518), as modified, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I thank the Senator from Delaware. This amendment is related to other very important provisions in the legislation to ensure there is going to be sufficient funds available. Also in the legislation, there was going to be, with the reconstruction of these schools, the possibility of the development of these charter schools, and this will give additional flexibility to local communities to move in that direction.

So I thank him for offering the amendment. I believe it reaches sort of the central core of what we are attempting to do. I think it is valuable and helpful. I wish it had been a little broader, but I thank the Senator very

much for offering it and for working closely with us to move the process along. I am grateful to him.

I am also grateful to my friend from New Hampshire, as always.

Mr. GREGG. I thank my friend.

AMENDMENTS NOS. 505, 545 AS MODIFIED, 520 AS MODIFIED, 583, 561 AS MODIFIED, AND 461 AS MODIFIED, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Madam President, today we are again in a position to clear amendments by consent. I ask, therefore, 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 en bloc, and the motions to reconsider be laid upon the table en bloc.

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

The amendments were agreed to, as follows:

(The text of amendment No. 505 is printed in the RECORD of May 9, 2001, under "Amendments Submitted.")

AMENDMENT NO. 545 AS MODIFIED

(Purpose: To create a set-aside for Bureau of Indian Affairs schools)

On page 365, strike lines 7 through 11, and insert the following:

“(a) LIMITATION.—

“(1) IN GENERAL.—From funds appropriated under this part, the Secretary shall reserve such sums as may be necessary for grants awarded under section 3136 prior to the date of enactment of the Better Education for Students and Teacher Act.

“(2) BUREAU OF INDIAN AFFAIRS FUNDED SCHOOLS.—From funds appropriated under this part, the Secretary shall reserve 0.75 percent of such funds for Bureau of Indian Affairs funded schools. Not later than 6 months after the date of enactment of the Better Education for Students and Teacher Act, the Secretary of the Interior shall establish rules for distributing such funds in accordance with a formula developed by the Secretary of the Interior in consultation with school boards of BIA-funded schools, taking into consideration whether a minimum amount is needed to ensure small schools can utilize funding effectively.

AMENDMENT NO. 520 AS MODIFIED

(Purpose: To modify the formula for calculating impact aid payments relating to federal acquisition of real property)

At the end of title IX, add the following:

**SEC. 902. IMPACT AID PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**

Section 8002 (20 U.S.C. 7702), as amended by section 1803 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398), is amended—

(1) in subsection (h)(4), by striking subparagraph (B) and inserting the following:

“(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (as determined by dividing the maximum amount that such agency is eligible to receive under subsection (b) by the total maximum amounts that all such local edu-

cational agencies are eligible to receive under such subsection) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for purposes of calculating a local educational agency's maximum payment under subsection (b), data from the most current fiscal year shall be used.”; and

(2) by adding at the end the following:

“(n) LOSS OF ELIGIBILITY.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall make a minimum payment to a local educational agency described in paragraph (2), for the first fiscal year that the agency loses eligibility for assistance under this section as a result of property located within the school district served by the agency failing to meet the definition of Federal property under section 8013(5)(C)(iii), in an amount equal to 90 percent of the amount received by the agency under this section in the preceding year.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is an agency that—

“(A) was eligible for, and received, a payment under this section for fiscal year 2002; and

“(B) beginning in fiscal year 2003 or a subsequent fiscal year, is no longer eligible for payments under this section as provided for in subsection (a)(1)(C) as a result of the transfer of the Federal property involved to a non-Federal entity.”.

AMENDMENT NO. 583

(Purpose: To make certain technical amendments with respect to impact aid)

At the appropriate place, insert the following:

**SEC. . . IMPACT AID TECHNICAL AMENDMENTS.**

(a) FEDERAL PROPERTY PAYMENTS.—Section 8002(h) (20 U.S.C. 7702(h)) (as amended by section 1803(c) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “and was eligible to receive a payment under section 2 of the Act of September 30, 1950” and inserting “and that filed, or has been determined pursuant to law to have filed, a timely application and met, or has been determined pursuant to law to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950”; and

(B) in subparagraph (B), by striking “(or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994,” and inserting “(or if the local educational agency did not meet, or has not been determined pursuant to law to meet, the eligibility requirements under section 2(a)(1)(C) of the Act of September 20, 1950, for fiscal year 1994.”.

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting before the period the following: “, or whose application for fiscal year 1995 was deemed by law to be timely filed for the purpose of payments for later years”; and

(B) in subparagraph (B)(ii), by striking “for each local educational agency that received a payment under this section for fiscal year 1995” and inserting “for each local educational agency described in subparagraph (A)”;

(3) in paragraph (4)(B)—

(A) by striking “(in the same manner as percentage shares are determined for local educational agencies under paragraph

(2)(B)(ii)” and inserting “(by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies”; and

(B) by striking “, except that for the purpose of calculating a local educational agency’s assessed value of the Federal property,” and inserting “, except that, for the purpose of calculating a local educational agency’s maximum amount under subsection (b),”.

(b) CALCULATION OF PAYMENT UNDER SECTION 8003 FOR SMALL LOCAL EDUCATIONAL AGENCIES.—Section 8003(b)(3)(B)(iv) (20 U.S.C. 7703(b)(3)(B)(iv)) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after “of the State in which the agency is located” the following: “or less than the average per pupil expenditure of all the States”.

(c) STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.—Section 8009(b)(1) (20 U.S.C. 7709 (b)(1)) (as amended by section 1812(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after “section 8003(a)(2)(B))” the following: “and, with respect to a local educational agency that receives a payment under section 8003(b)(2), the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under paragraph (1) of section 8003(b)”.

(d) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 8014 (20 U.S.C. 7714) (as amended by section 1817(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in subsection (a), by striking “three succeeding” and inserting “six succeeding”;

(2) in subsection (b), by striking “three succeeding” and inserting “six succeeding”;

(3) in subsection (c), by striking “three succeeding” and inserting “six succeeding”;

(4) in subsection (e), by striking “three succeeding” and inserting “six succeeding”;

(5) in subsection (f), by striking “three succeeding” and inserting “six succeeding”;

(6) in subsection (g), by striking “three succeeding” and inserting “six succeeding”.

#### AMENDMENT NO. 561 AS MODIFIED

(Purpose: To encourage projects carried out with community-based organizations such as the Police Athletic and Activity Leagues)

On page 256, line 21, strike “; and” and insert a semicolon.

On page 256, line 24, strike the period and insert “; and”.

On page 256, after line 24, add the following:

“(I) an assurance that the eligible organization will, to the maximum extent practicable, carry out the proposed program with community-based organizations that have experience in providing before and after school programs, such as the YMCA, the Police Athletic and Activities Leagues, Boys and Girls Clubs and Big Brothers/Big Sisters of America.”

#### AMENDMENT NO. 461 AS MODIFIED

(Purpose: To provide for the expansion of education technology for rural areas)

On page 367, line 5, insert after the period the following: “The Secretary shall give priority when awarding grants under this paragraph to State educational agencies whose

applications submitted under section 2305 outline a strategy to carry out part E.”.

On page 383, after line 12, insert the following:

#### SEC. 203. RURAL TECHNOLOGY EDUCATION ACADEMIES.

Title II (20 U.S.C. 6601 et seq.), as amended by section 202, is further amended by adding at the end the following:

#### “PART E—RURAL TECHNOLOGY EDUCATION ACADEMIES

##### “SEC. 2501. SHORT TITLE.

This part may be cited as the ‘Rural Technology Education Academies Act’.

##### “SEC. 2502. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress makes the following findings:

“(1) Rural areas offer technology programs in existing public schools, such as those in career and technical education programs, but they are limited in numbers and are not adequately funded. Further, rural areas often cannot support specialized schools, such as magnet or charter schools.

“(2) Technology can offer rural students educational and employment opportunities that they otherwise would not have.

“(3) Schools in rural and small towns receive disproportionately less funding than their urban counterparts, necessitating that such schools receive additional assistance to implement technology curriculum.

“(4) In the future, workers without technology skills run the risk of being excluded from the new global, technological economy.

“(5) Teaching technology in rural schools is vitally important because it creates an employee pool for employers sorely in need of information technology specialists.

“(6) A qualified workforce can attract information technology employers to rural areas and help bridge the digital divide between rural and urban American that is evidenced by the out-migration and economic decline typical of many rural areas.

“(b) PURPOSE.—It is the purpose of this part to give rural schools comprehensive assistance to train the technology literate workforce needed to bridge the rural-urban digital divide.

##### “SEC. 2503. GRANTS TO STATES.

“(a) IN GENERAL.—The Secretary shall use amounts made available under section 2310(a) to carry out this part to make grants to eligible States for the development and implementation of technology curriculum.

##### “(b) STATE ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible for a grant under subsection (a), a State shall—

“(A) have in place a statewide educational technology plan developed in consultation with the State agency responsible for administering programs under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and

“(B) include eligible local educational agencies (as defined in paragraph (2)) under the plan.

“(2) DEFINITION.—In this part, the term ‘eligible local educational agency’ means a local educational agency—

“(A) with less than 600 total students in average daily attendance at the schools served by such agency; and

“(B) with respect to which all of the schools served by the agency have a School Locale Code of 7 or 8, as determined by the Secretary.

“(c) AMOUNT OF GRANT.—Of the amount made available under section 2310(a) to carry out this part for a fiscal year and reduced by amounts used under section 2504, the Secretary shall provide to each State under a

grant under subsection (a) an amount the bears that same ratio to such appropriated amount as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State bears to the number of all such students at the schools served by eligible local educational agencies in all States in such fiscal year.

##### “(d) USE OF AMOUNTS.—

“(1) IN GENERAL.—A State that receives a grant under subsection (a) shall use—

“(A) not less than 85 percent of the amounts received under the grant to provide funds to eligible local educational agencies in the State for use as provided for in paragraph (2); and

“(B) not to exceed 15 percent of the amounts received under the grant to carry out activities to develop or enhance and further the implementation of technology curriculum, including—

“(i) the development or enhancement of technology courses in areas including computer network technology, computer engineering technology, computer design and repair, software engineering, and programming;

“(ii) the development or enhancement of high quality technology standards;

“(iii) the examination of the utility of web-based technology courses, including college-level courses and instruction for both students and teachers;

“(iv) the development or enhancement of State advisory councils on technology teacher training;

“(v) the addition of high-quality technology courses to teacher certification programs;

“(vi) the provision of financial resources and incentives to eligible local educational agencies to enable such agencies to implement a technology curriculum;

“(vii) the implementation of a centralized web-site for educators to exchange computer-related curriculum and lesson plans; and

“(viii) the provision of technical assistance to local educational agencies.

“(2) LOCAL USE OF FUNDS.—Amounts received by an eligible local educational agency under paragraph (1)(A) shall be used for—

“(A) the implementation of a technology curriculum that is based on standards developed by the State, if applicable;

“(B) professional development in the area of technology, including for the certification of teachers in information technology;

“(C) teacher-to-teacher technology mentoring programs;

“(D) the provision of incentives to teachers teaching in technology-related fields to persuade such teachers to remain in rural areas;

“(E) the purchase of equipment needed to implement a technology curriculum;

“(F) the provision of technology courses through distance learning;

“(G) the development of, or entering into a, consortium with other local educational agencies, institutions of higher education, or for-profit businesses, nonprofit organizations, community-based organizations or other entities with the capacity to contribute to technology training for the purposes of subparagraphs (A) through (F); or

“(H) other activities consistent with the purposes of this part.

“(3) AMOUNT OF ASSISTANCE.—In providing assistance to eligible local educational agencies under this section, a State shall ensure that the amount provided to any eligible agency reflects the size and financial need of the agency as evidenced by the number or

percentage of children served by the agency who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

**“SEC. 2504. TECHNICAL ASSISTANCE.**

“From amounts made available for a fiscal year under section 2310(a) to carry out this part, the Secretary may use not to exceed 5 percent of such amounts to—

“(1) establish a position within the Office of Educational Technology of the Department of Education for a specialist in rural schools;

“(2) identify and disseminate throughout the United States information on best practices concerning technology curricula; and

“(3) conduct seminars in rural areas on technology education.”.

Mr. KENNEDY. We expect that momentarily Senator CANTWELL will be here. We have worked out a rough program and schedule for the latter part of the afternoon and through the evening. We will be able to move along on that program, and we want to thank all of our colleagues for their cooperation.

We have some of the important remaining amendments with which we have to deal, but we have been able to work out a process and a procedure to get time agreements on most of these. So Members will know when these amendments are going to come up. The leader had indicated that we would be voting through the afternoon and into the evening, and there is every expectation that we will continue to do so.

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

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

AMENDMENT NO. 459 AS FURTHER MODIFIED

Mr. DODD. Madam President, I ask unanimous consent amendment No. 459, the Dodd amendment, be before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is laid aside.

Mr. DODD. I understand we have half an hour of time to debate this amendment. Is there a time agreement?

The PRESIDING OFFICER. There is no time agreement.

Mr. REID. If the Senator from Connecticut will yield, we ask that the Senator from Connecticut, the Republican leader, and Senator KENNEDY agree to a half hour evenly divided.

Mr. DODD. I may use less than that. We have talked a lot about it already. The Senator from New Hampshire has spoken eloquently and at length in opposition. I presume we could get done prior to that. We say “half an hour.”

Then we think we have to use it. If not, we could get done before. With the admonition of the Senator from Nevada, we will try to move this along.

Mr. REID. Will the Senator yield?

Mr. DODD. I yield.

Mr. REID. As part of the proposed unanimous consent agreement, I ask unanimous consent there be no second-degree amendments prior to the vote, which should be shortly.

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

Mr. DODD. Madam President, I raised this amendment a week or so ago. We spoke on it on several different occasions. It was interrupted at various times, other amendments were offered, and this amendment was laid aside.

I say to my colleagues, I offer this amendment on behalf of myself, Senator BIDEN, and Senator REED of Rhode Island. This is an amendment that was first offered in the other body by the distinguished Member of the House, Congressman CHAKA FATTAH of Philadelphia.

This amendment is strongly endorsed by the Council of Great City Schools, Leadership Conference on Civil Rights, National Education Association, the National PTA, a coalition of 180 national organizations including AARP, AFL-CIO, American Veterans Committee, Catholic Charities, Children's Defense Fund, the Congress of National Black Churches, the League of Women Voters, the National Council of Jewish Women, the National Council of La Raza, the YWCA and YMCA, just to name some.

CHAKA FATTAH made an eloquent argument in the other body about the value of this amendment. Basically what it does is the following:

Since 1965, for 36 years, we have written into the Elementary and Secondary Education Act language that says that in each school district in America there must be a comparable educational opportunity for every child. For 36 years that has worked rather well. We improved education—but there are still gaps in it. Nonetheless, 36 years ago we said for those school districts we believe that all children, regardless of their circumstances of birth, ought to have a comparable education.

Some school districts have student populations vastly in excess of what some States have. The school districts of Los Angeles and New York individually have school populations in excess of the student populations in 27 States. Those school districts are highly diverse, in terms of the number of children from various economic backgrounds within those school districts.

My amendment says we ought to apply that same standard to the States. Why do I say that? This bill asks that children do a better job, be more accountable, be more responsive.

To do that, we are going to require a test in this bill. The underlying bill says that every third, fourth, fifth, sixth, seventh, and eighth grader is now going to have to take a test.

Prior to the adoption of this bill, we had mandates from the Federal Government that said there would be three tests in that age group. So we have mandated that there be accountability already. We are not breaking new ground. We are extending it.

Also in this bill we say the teachers need to be more accountable and more responsive. We say school districts need to be accountable and more responsive. We say parents do, school boards do. We say we, at the Federal level, need to be more responsible and demand greater accountability. The one missing element in this entire chain, from the infant child in school to the Federal Government, where I have named virtually everybody from the child to Uncle Sam—one element is missing in that litany. The one element is the States. There is nothing in this bill that requires that the States be accountable or that the States be responsible.

Remember, title I was written 36 years ago because we thought, at the national level, not enough was being done to serve the most needy children in America. That was the rationale behind the Elementary and Secondary Education Act—to provide Federal moneys to the States, to help them serve the most needy children.

Over the years we provided a lot of money, about 6 cents on every dollar. Madam President, 94 cents for educating children comes from States and localities.

If we are going to demand greater accountability, and that students do better in school, that there be higher standards that are to be met, how do we exclude one of the elements here responsible for at least a part of that 94 cents? It is certainly more than the 6 cents the Federal Government supplies. Is it really that radical to say: Mr. Governor or State education board, will you see to it, or work towards achieving comparability of educational opportunity within your State?

I am not mandating success. I don't think you ought to do that. We cannot do that. But to say to a child in Connecticut or a child in the State of Washington or New Hampshire or wherever else they may be, that because of the accident of where you are born, being born in that State should not mean you can end up with an entirely different educational opportunity.

My bill says over the next 6 years—not right away—within 6 years, you will write to the Secretary of Education, under this amendment, if it is adopted, providing assurance that you have such a plan and that you have begun to implement it. And by the

way, if 6 years is not long enough, I will give you 2 more under this amendment. That is 8 years.

If you do not do it, what happens? It is left to the discretion of the Secretary to withhold some of the administrative funds under title I—not title I funds. The idea is to urge the States to join with us. Many States, Madam President, as you know and I know, are working hard at this already, just as most school districts are working hard, just as most parents are working hard, and most school boards are working hard. We are not demanding greater accountability in this bill of every school district, parent, child, and teacher because we think they are all failing. We do not believe that. We believe some are.

I believe some States are not doing enough. If I can demand accountability and responsibility of a child, a parent, a teacher, a school board, a school district, and the Federal Government, is it too much to ask that we seek at least an effort on the part of our States to improve the quality of educational opportunity?

I do not think I need to go back and lay out all the arguments. We all know the days of saying this ought to be exclusively, totally a local effort are gone. That may have had great value in the 19th or most of the 20th century when our economic future and success depended upon a child from Connecticut competing with a child from New Hampshire or Massachusetts, or one from Illinois competing with someone in the State of Washington.

But we have entered a global economy. We better have a national vision when it comes to education and national standards. Leaving no child behind means just that. That is why the President has raised this subject matter with the priority he has.

The American public wants to see our public schools do better. The President said leave no child behind and he is enforcing this bill because he believes that by testing children, testing teachers, putting real stringent requirements on school districts, on parents and on ourselves, we are going to raise those standards. I did not hear the word "States" there. That 94 cents that goes to the education of a child, a substantial part of it comes from the States.

I know my State is working hard at this. We have had court cases pending. I know the Governor and the State legislature work at this. I have no problems whatsoever with States that are trying to get this job done. But unfortunately, as I said a moment ago, there are jurisdictions in this country which have not been as responsive or have not been as accountable to the desire to see to it that all children will be given an equal opportunity to succeed.

It has been 47 years since the Supreme Court of the United States, just

across the street here, passed *Brown v. Board of Education*, almost a half century ago. When they said separate and unequal schools can no longer be permissible, it was almost a half century ago. There is not one of us in this Chamber who does not know as a matter of fact, even in the States that are trying harder, that *Brown v. Board of Education*, that 9-0 decision, has yet to provide the kind of relief of the problems that too many of our children are facing. They are separate and they are in unequal educational opportunities. I do not care what State you go to, that is the case. Some States are working at it and some are not.

Madam President, almost 50 years later I do not think it is too much to ask that State education authorities or our Governors should also be asked to join in this effort. We cannot do it without them. This is not some peripheral organization here. This is about as critical as it gets. If we are going to be looking for better results and excluding the States from stepping up to the plate and becoming a part of this assessment, then we are missing a major part of the equation necessary to achieve that success.

I do not point an accusing finger at any Governor, State agency, or board.

We don't tell them how to do it. We don't lay out in some excruciating detail of micromanaging how each State ought to try to achieve it. We don't say identical at all. We say comparable.

I know I will hear from my friend from New Hampshire suggesting that I am using a cookie cutter—that every jurisdiction within a given State is going to have to develop an identical plan. Nothing could be further from the truth. We are talking about comparability. The word was chosen because it is in existing law. It has been there for almost four decades—comparable educational opportunity at a district level. I am expanding the concept to include the States. We are expanding and doing a lot of things new. The Federal Government is not new to having mandates. We shut off all Federal funds if States don't do a better job on school violence. We mandate that there be testing done at the elementary level in America. We have done that for years. We are mandating that districts offer comparable education. These are all mandates. We are not breaking new ground by insisting that States join in this effort.

My colleague from New Hampshire said this is a deal breaker. What deal breaker? We deal with this bill once every 6 years. How do you exclude the States? How do you go home and say to people we have done a great job here? We are going to see much better results.

By the way, a substantial portion of that 94 cents that goes to the education of a child is going to be excluded from any accountability or any assessment, in effect.

It seems to me that if you are asking some impoverished school district to do better, or some kid growing up in a ghetto or in a rural part of America to do better, you ought to try to provide the resources to achieve those goals. And you ought to have some measurement by which you can judge whether or not everybody is pulling their fair share to see to it that we get the best results possible.

That is all this amendment is designed to do—to just add one other word to district student, district teacher, school board, Federal Government: add the word "State." However, you want to make it accountable, whether it is the educational authority, or the Governor, or whoever it is, whatever means you choose to try to achieve comparability, that is up to each State. I don't believe the Federal Government ought to be telling States how to do that. It is not identical. It is comparable.

As I have said, there are many school districts that embrace a great diversity within their boundaries. They have lived with this law for 36 years. Certainly, for school districts that have student populations in excess of the populations in 27 States—more than half of the States in this country—asking the States to step up and provide some assurance and at least making themselves open to the assessments that we ought to be requiring, I don't think it is too much.

I thank CHAKA FATTAH, the Congressional Black Caucus. La Rasa, the Latino/Hispanic group, places this at a very high priority. CHAKA FATTAH said the other day that this is the No. 1 priority for the Congressional Black Caucus in their consideration of this bill. Again, groups like the YMCA, YWCA, the Children's Defense Fund, American Veterans Committee, AARP—I give great credit to retirees for supporting this effort—the Leadership Conference on Civil Rights, the National PTA, and the National Education Association are supporting this amendment. I thank them for their support.

Again, it is 6 years down the road. This doesn't go into effect next month, or next year, or the year after, if this bill is passed. We are providing more than half a decade for States to try it and at least get themselves in a position to offer these assurances, and then a 2-year waiver beyond that and penalties to be imposed by the Secretary only to administrative funds and not to the title I funds that go to the needy children in this country.

Again, I hope our colleagues will see fit to support this amendment. I will be happy to yield the floor at this point.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Hampshire.

Mr. GREGG. Madam President, I inquire of the Senator from Connecticut, after I speak, does the Senator want to

go to a vote at that time on his amendment?

Mr. DODD. I am prepared to at that point.

Mr. GREGG. Madam President, I will not try to say anything that is identical to what I said yesterday or the day before or last week on this issue.

Let me simply point out that this amendment, in my humble opinion, is one of the most significant ones we are going to take up in that it reflects and makes one of the most significant attempts to have the Federal Government become intrusive in the school systems of our country.

The practical implications of this amendment are that the Federal Government will now require that every State and all its communities have comparable educational systems. We went through in some length debate on this amendment over a couple of days last week. But, essentially, that is a role that is inappropriate for the Federal Government. The Federal Government should not be telling the State, whatever State it happens to be—Montana, Indiana, West Virginia, New Hampshire, or Ohio—you must have a school system structured so that all your school systems are comparable; so that every school system in the entire State must do essentially the same thing from school district to school district in order to meet that comparability standard.

There are States in this country that, either through court actions dealing with funding, such as New Hampshire, or through court actions maybe dealing with something beyond funding. I am not familiar with any that have gone beyond the funding issue that have determined there should be comparability within the State. There are States which may have—I don't know this—State legislators that have decided it is part of their State organizational structure for education that they want comparability.

But I also know that there are a lot of States in this country that have decided they do not necessarily want comparability because there are significant differences within that State between what one school district needs to do in order to be a good school educational system and what another school needs to do in order to be a good educational system.

Those differences are reflected in the collective bargaining agreements between where you might have one part of the State with collective bargaining agreements where teachers have introduced agreements where the teacher has a different workweek than another part of the State; or where the number of students for a classroom is different in another part of the State; or the responsibility of teachers in extra-curricular activities is different in another part of the State; or you might have a school district where States

have decided that in one part of the State kids will be educated in a certain technical skill area that is unique to that part of the State—say forestry or farming—and in another part of the State that technical skill is not relevant because it is an urban part of the State; or you might have a school district in one part of the State that believes it wants to focus on foreign languages; whereas, another part of the State wants to focus on technology skills versus foreign languages, so they restructured their structure, or you might even have different schooldays. One may have a longer schoolday or a shorter schoolday.

Obviously, in the end, they probably have a State law requiring so many schooldays or the way buildings are configured may be significantly different.

States have legitimate reasons because of the weather requirements in a State. They may not want to have a comparable school system across the State and still believe that they can deliver quality education. But other States may decide they want comparability.

But it is truly the responsibility of the State to make that decision and not the Federal Government.

With the Federal Government to come in with 6 to 7 percent of the dollars spent on local elementary and secondary school education and say we have the right to demand statewide comparability is incredibly intrusive. It opens the door to all sorts of issues that I think significantly expand the role of the Federal Government in an inappropriate way.

The logic of this amendment would be that the next step is entire school systems across the country have to be comparable. Why stop at the State border?

If you are going to say that every State has to have comparable districts why would you stop there? Wouldn't the next logical step be the true nationalization of the school systems, saying that every State has to have comparable educational systems? That would be an excessive reach of the Federal Government.

I believe this amendment, as has been characterized, clearly undermines fundamentally the agreement that was reached in negotiations as to the core elements of this bill. It is a dramatic departure from the traditional role of the Federal Government, with an excessive amount of intrusion by the Federal Government. For that reason, I strongly oppose this amendment and hope it will be defeated.

I understand my colleague is going to ask for the yeas and nays and we can go to a vote.

Mr. DODD. If I could take 1 minute, I have some remarks.

Mr. GREGG. Certainly.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. DODD. Mr. President, I will just respond a little bit. Then we will go to the vote. I have a statement from CHAKA FATTAH. I will not read all of this, but I think the Congressman from Philadelphia makes a very strong point. He says:

If students do not have comparable opportunities, they will not have comparable results.

. . . There is no one anywhere who would say that rural and urban school districts receive comparable resources with our wealthier suburban districts; yet, we want to have the same standards. This is not logical. I am perfectly prepared to support testing where we measure the aptitude of young people who have the same opportunities to see if they have the same results.

. . . The goal should be excellence for not just some, but all, of our nation's children. My hope is that some of [our] colleagues will understand the importance of educational comparability as well.

Mr. President, I ask unanimous consent that the entire statement be printed in the RECORD.

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

STATEMENT BY CONGRESSMAN CHAKA FATTAH ON THE DODD AMENDMENT

"For two days this week, the most powerful lawmaking body in the world has debated whether poor children have the right to learn in situations comparable to our wealthier students. The Dodd Amendment, No. 459, stresses the need for schools to have comparable resources. However, some are attempting to block this important vote.

Right now, the Republicans are pushing to test every child in math and reading. But if poor kids do not have certified teachers, if they don't have updated textbooks, if their class sizes are twice as large and their school districts are underfunded, then why ask for test results that are clearly skewed? If students do not have comparable opportunities, they will not have comparable results.

I wonder why some Republicans are unwilling to urge states to provide comparable educational opportunities for poor children as the Dodd Amendment asserts. There is no one anywhere who would say that rural and urban school districts receive comparable resources with our wealthier suburban districts; yet, we want to have the same standards. This is not logical. I am perfectly prepared to support testing where we measure the aptitude of young people who have the same opportunities to see if they have the same results. However, if we want these children to take national tests, we should also strive to provide them with comparable resources. With so many state courts ruling for more equitable funding, why would some Republicans threaten to filibuster an amendment that would provide this very goal?

I have had many conversations with Senators Dodd, Biden and others on why we need all our public schools to perform at comparable levels. They understand this and should be commended for offering this amendment. The goal should be excellence for not just some, but all, of our nation's children. My hope is that some of their Republican colleagues will understand the importance of educational comparability as well."

Mr. DODD. To add to my colleague's point, this is not telling the States how

the State system should be structured. It is not saying that if one district offers Japanese as a language, because there is an interest, they have to offer it to everybody in the State. That is not common sense.

Comparability of educational services is about comparability of educational opportunity. I cannot see why this is a controversial issue. I hope, again, our colleagues can support the amendment.

I thank my colleague from New Hampshire for his patience and yield the floor.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 459, as further modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—42

Akaka	Dorgan	Levin
Biden	Durbin	Lieberman
Bingaman	Edwards	Mikulski
Boxer	Feingold	Murray
Byrd	Feinstein	Nelson (FL)
Cantwell	Graham	Reed
Carnahan	Harkin	Reid
Cleland	Hollings	Rockefeller
Clinton	Inouye	Sarbanes
Conrad	Johnson	Schumer
Corzine	Kennedy	Stabenow
Daschle	Kerry	Torricelli
Dayton	Kohl	Wellstone
Dodd	Leahy	Wyden

NAYS—58

Allard	Enzi	Miller
Allen	Fitzgerald	Murkowski
Baucus	Frist	Nelson (NE)
Bayh	Gramm	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Santorum
Breaux	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Campbell	Hutchison	Snowe
Carper	Inhofe	Specter
Chafee	Jeffords	Stevens
Cochran	Kyl	Thomas
Collins	Landrieu	Thompson
Craig	Lincoln	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	McCain	
Ensign	McConnell	

The amendment (No. 459), as further modified, was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 370 offered by the Senator from California be next in order; that there be a 30-minute time agreement, with no second-degree amendments, and that we

have, as we have been doing on this bill, a side-by-side amendment offered by Senator HAGEL. His amendment would be debated for 30 minutes evenly divided, with no second-degree amendments to the Hagel amendment. We would vote after both amendments were offered and argued.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it looks as if we will vote at 6:30.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 370 TO AMENDMENT NO. 358

Mrs. FEINSTEIN. Mr. President, I would like to proceed under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 370.

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

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

The amendment is as follows:

(Purpose: To award grants for school construction)

On page 302, between lines 7 and 8, insert the following:

**Part —School Construction**

**SEC. 01. SHORT TITLE.**

This part may be cited as the “Excellence in Education Act of 2001”.

**SEC. 02. DEFINITIONS.**

In this part:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.—The terms “elementary school”, “local educational agency”, “secondary school”, and “Secretary” have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(2) CONSTRUCTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “construction” means—

(i) preparation of drawings and specifications for school facilities;

(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

(iii) inspection and supervision of the construction of new school facilities.

(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(3) SCHOOL FACILITY.—The term “school facility” means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

**SEC. 03. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part \$1,000,000,000 for each of the fiscal years 2002 through 2006.

**SEC. 04. PROGRAM AUTHORIZED.**

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

**SEC. 05. CONDITIONS FOR RECEIVING FUNDS.**

In order to receive funds under this part a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

(i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

(ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

(iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

**SEC. 06. APPLICATIONS.**

(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) CONTENTS.—Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with this part;

(2) a brief description of the construction to be conducted;

(3) a cost estimate of the activities to be conducted; and

(4) a description of available non-Federal matching funds.

AMENDMENT NO. 370 AS MODIFIED

Mrs. FEINSTEIN. I ask unanimous consent the amendment be modified with the changes I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, we have not seen the modification.

I have no objection.

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

The amendment as modified, is as follows:

On page 696, between lines 18 and 19, insert the following:

**“CHAPTER 5—SCHOOL CONSTRUCTION**

**“SEC. 5351. DEFINITIONS.**

“In this chapter:

“(1) CONSTRUCTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘construction’ means—

“(i) preparation of drawings and specifications for school facilities;

“(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

“(iii) inspection and supervision of the construction of new school facilities.

“(B) **RULE.**—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

“(2) **SCHOOL FACILITY.**—The term ‘school facility’ means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

**“SEC. 5352. PROGRAM AUTHORIZED.**

“(a) **IN GENERAL.**—Funds made available to local educational agencies under section 5312 may, notwithstanding section 5331(a), be used to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

“(b) **NONAPPLICATION OF PROVISIONS.**—The provisions of chapter 4 shall not apply to this chapter.

**“SEC. 5353. CONDITIONS FOR USE OF FUNDS.**

“In order to use funds for construction under this chapter a local educational agency shall meet the following requirements:

“(1) Reduce school sizes for public elementary schools and secondary schools served by the local educational agency to—

“(A) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

“(B) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

“(C) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

“(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

**“SEC. 5354. APPLICATIONS.**

“(a) **IN GENERAL.**—Each local educational agency desiring to use funds under this chapter shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require.

“(b) **CONTENTS.**—Each application shall contain—

“(1) an assurance that the grant funds will be used in accordance with this chapter;

“(2) a brief description of the construction to be conducted;

“(3) a cost estimate of the activities to be conducted; and

“(4) a description of available non-Federal matching funds.”

Mrs. FEINSTEIN. Mr. President, I think virtually every Member of this body has been to an overcrowded school. I personally have been in schools where I have seen children learning in closets because the population of the school was so large, for example, elementary schools with over 1,000 students, many schools with many

different languages. Yet it is very difficult for local jurisdictions to build smaller schools because of the pressures of growing population.

The amendment I have sent to the desk allows funds under title V, part B, subpart 4, the Innovative Education Program Strategies, to be used to reduce the size of schools. The amendment authorizes the U.S. Department of Education to award grants as a permissible use of these funds to reduce the size of schools, in other words, to build small schools. The grants would be equally matched by the State, the local jurisdiction, or the school district. This amendment does not add additional dollars but permits use of funds under Title V that may be available.

I am introducing the amendment because I strongly believe children learn better and teachers teach better in smaller schools. Many of our schools are just too big. In fact, half of all American high school students go to schools with 1,500 or more students. Half of all American high school students are in huge high schools. Studies have shown again and again and again that student achievement improves when school and class size are reduced.

The U.S. Department of Education indicates these are some of the benefits of small schools: Students have a greater sense of belonging; fewer discipline problems occur; crime, violence, and gang activity go down; alcohol and tobacco use declines; dropout rates fall; graduation rates rise; and student attendance increases.

The ideal high school, according to education experts, is between 600 and 900 students. The National Association of Elementary School Principals recommends an elementary school size of no more than 400 for grades kindergarten to grade 5. That is the way it was when I went to public school, and that is one of the reasons I was able to learn.

Studies show that students in small schools have higher academic achievement, fewer discipline problems, lower dropout rates, higher levels of student participation, and higher graduation rates. A Tennessee study called project STAR placed 6,500 kindergartners in 330 classes of different sizes. The test scores and the behavior of students in smaller classes were better than those in larger classes.

We know that small class size benefits. We also know that in a society as diverse as ours, when some schools have as many as 40 different languages, smaller schools benefit students and teachers as well.

Under this amendment, schools receiving grants that would be equally matched would have to meet the following size requirements: For kindergarten through fifth grade, not more than 500 students; for grades 6 through 8, not more than 750 students; for

grades 9 through 12, not more than 1,500 students.

This amendment will provide a new funding source for school districts or States to build new schools with the explicit goal of reducing school size. We need to build 6,000 new schools in this Nation just to meet enrollment growth projections. That is not going to happen if there isn't some Federal help. By amending title V and making this a permitted use—grants for small schools—I hope school districts will have an incentive to build small.

Let me give examples of large schools. In Mapleton, UT, 832 students in an elementary school; Narragansett Elementary School, in Rhode Island, 710 students; Coral Gables Elementary School, FL, 748 students; Munford, AL, Ophelia Hill Elementary, 730 students; Gosnell Elementary, in Arkansas, 788 students. It isn't only the big States, it is the small States, too.

Right nearby in Herndon, Virginia, we have a middle school of 1,285 students and Rocky Run Middle School, also in Virginia, 1,350 students. A combination middle school and high school in Florida, in River Ridge Middle and High School, 3,260 students in one school.

Here are some examples of large high schools. Olympic Heights Community High School, Palm Beach, FL, 2,405 students; Camelback High School, Phoenix, AZ, 2,557 students; Georgia, in South Gwinnett High School, 2,550 students; in Lyons, IL, 3,087 students; and Waipahu High School, in Hawaii, 2,434 students.

California, as the Senator from Connecticut pointed out, has some of the largest schools in the country. Los Angeles has some of the largest classes and schools in the world. Let me give an example. In Los Angeles, Hawaiian Elementary—elementary—1,365 students; South Gate Middle School—middle school—4,442 students; Belmont High School, 4,874 students.

I have been in some of these schools.

If we can provide an incentive for local jurisdictions to build smaller schools, educational experts now say that beginning schools, elementary schools, do not have to be in a special campus. We can have a campus within a campus or have a small school as part of a commercial setting, for example.

The important thing is “small.” Small is better when it comes to education, particularly in the lower grades, and particularly when one has a varied socioeconomic structure, one has many different languages. Schools I have been in—and I will tell you this—have been a cacophony of sound, so many students, so much noise, everything in shifts; a shift for the lunch, everything in track; track 1, track 2; and, again, 40 different languages spoken.

I hope the Senate sees fit to pass this amendment. As I said, the amendment

does not add new funds. It would simply amend title V to make as a permissible use of title V funds, grants that would be equally matched, Federal dollars with state or local dollars, to build small schools in the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 797 TO AMENDMENT NO. 358

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself, Mr. CAMPBELL, and Mr. KYL, proposes an amendment numbered 797.

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

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

The amendment is as follows:

(Purpose: To require that certain schools be given priority in the allocation of school construction assistance)

At the appropriate place, insert the following:

**“5—FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.**

**“SEC. 5351. REQUIREMENT RELATING TO SCHOOL CONSTRUCTION ASSISTANCE.**

“(a) FINDINGS.—Congress makes the following findings:

“(7) Over several decades, Bureau of Indian Affairs and Impact Aid schools have suffered from neglect and disrepair, which has had a direct impact on student learning and safety.

“(8) As of January 2001, the repair, rehabilitation, and renovation backlog for Bureau of Indian Affairs and heavily impacted Impact Aid education facilities and quarters was over \$2,000,000,000.

“(b) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act), in administering any Federal program to provide assistance for school construction or renovation, the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to—

“(1) school construction bond programs or school renovation bond programs; or

“(2) amounts provided for school construction or renovation under—”.

Mr. HAGEL. Mr. President, I join my colleagues, Senators CAMPBELL and KYL, in offering this amendment which reconfirms the Federal obligation to the Bureau of Indian Affairs schools, Department of Defense schools, and Impact Aid schools. While we all agree that steps need to be taken to modernize and improve the conditions of our schools nationwide, one question continually permeates this debate and makes consensus difficult. This ques-

tion revolves around what should be the appropriate role of the Federal Government with respect to school construction.

Senator FEINSTEIN would like to reduce class size by constructing more classrooms. That is an admirable goal, one to which I think we all are committed. However, before the Senate authorizes funding for general school construction, we have an existing obligation that we should meet first. The Federal Government has a responsibility to educate Native American children and the children of men and women who serve the Federal Government. This obligation includes building and repairing the schools these children attend.

The need for school repair is great. There is no dispute about this need. The General Accounting Office estimated in March 2000 that it will cost \$112 billion to repair and modernize U.S. schools. The National Education Association estimates that it will cost more than \$300 billion to repair and modernize U.S. schools.

However, before we can allow Federal funds to flow to locally supported schools for these purposes, as noble and worthy as these purposes are, we, the Federal Government, have our first obligation to ensure the facility needs of BIA, DOD, and Impact Aid-supported schools are met.

The Bureau of Indian Affairs operates 185 schools across the country. Impact Aid reaches more than 1,600 schools serving 1.2 million federally connected children. The Department of Defense operates 70 schools nationwide. The repair needs of these schools reach well over \$2 billion.

Due to military base realignments, the Fort Hood public school district in Texas is now using over 200 trailers to serve students.

The Waynesville School District in Missouri needs to replace a high school that was built in the late 19th century.

In my home State of Nebraska, your home State, Mr. President, the Bellevue public school district needs a new middle school, and the Winnebago School District has over \$3 million in needed immediate repairs and construction.

The amendment I offer today along with my colleagues from Arizona and Colorado will assure we meet our commitment to the children attending Bureau of Indian Affairs, Impact Aid, and Department of Defense schools, schools we clearly have a Federal obligation to support.

We must meet these clear Federal obligations first.

I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 370 AS MODIFIED

Mr. KENNEDY. Mr. President, I first thank Senator FEINSTEIN for her amendment and urge the Senate adopt it. We have in the legislation what is called title V. That provides flexibility in the States and local communities—20 percent is retained to the State; 80 percent goes to the local communities. Half is distributed under a somewhat different formula from title I, but half goes into the title I formula, the other based on population. So there are funds that will be available.

What this amendment is saying, as described by the Senator, is the resources can be used for the development of new schools.

One of the things most of us think about when we think about new schools is a brand new school appearing on a bluff or on a hill or in a field. But what we are finding out now is that many new schools are being built inside of old schools. We have had good hearings on the results of this kind of experimentation, where they are taking schools that have large student populations and breaking them down and literally having two or three or four new schools in a very large school context.

They are finding out the changing of the organization and changing of the structure and the administration and running of these institutions have had a very positive impact on the students themselves.

So this amendment will provide some flexibility in this area of new schools. It will not only try to meet some of the needs for additional construction, which we have talked about earlier in the debate on the Carper amendment and earlier than that on the Harkin amendment, but it will also permit the use of these funds which otherwise would not have been permitted for the development of new schools in older school buildings.

I think it is a useful addition. I know the initial amendment was a good deal more ambitious. I was prepared to support that enthusiastically. But I think this is an important addition, and I thank the Senator for bringing this matter to our attention.

From my own judgment, this will be a very worthwhile utilization of the title I funding that I think should be supported.

I notice the Senator from Nebraska asked for the yeas and nays. I believe, with my colleague, we are prepared to accept the Feinstein amendment, if we could voice vote that amendment.

Mr. GREGG. I think we will have to reserve our rights. We cannot do that right now.

Mr. KENNEDY. All right. Then I think the Senator reserves the remainder of her time.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts

for his comments. I reserve the remainder of my time.

I ask for the yeas and nays.

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

The yeas and nays were ordered.

AMENDMENT NO. 797

Mr. GREGG. Mr. President, I would like to claim the time in opposition to the amendment of the Senator from California, but right now I rise in support of the Hagel amendment and yield myself such time as I consume.

I rise in support of the amendment of the Senator from Nebraska. Senator HAGEL has proposed an amendment which is very appropriate. He essentially said in his amendment, before we start doing construction activities—renovation, repair—on public schools in jurisdictions where States have responsibilities or communities have responsibilities, we ought to first do our job in our own areas where we have responsibilities, specifically in the Indian reservation areas and especially at our military facilities. Many of our military personnel have young children and those children are, first, under the pressure of being children of military personnel, which is a difficult position and it puts a lot of pressure on the family. And, second, a lot of them are in school buildings which are dilapidated and simply not up to snuff as far as being a physical facility in which education should be performed.

We, the Federal Government, have a first line of responsibility to take care of those school buildings and those school construction needs and renovation needs on our military installations. The same can be said for our Indian reservations where we have the primary responsibility through treaty agreements. There are numerous instances where the Federal Government has the responsibility of maintaining the physical facilities of the schools on those reservations. We have an obligation to do that.

I think the Senator from Nebraska has really pointed out a very appropriate obligation of the Federal Government and has prioritized this process of using funds, to the extent they are going to be used, in the renovation area out of title VI, and the use of those funds in a manner which is consistent with our obligations as the Federal Government. The Federal Government's first responsibility should be the Federal facilities, and especially to children on our military bases.

I strongly support the amendment of the Senator from Nebraska and hope it will be accepted. I look forward to voting on it.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I did not comment earlier on the Hagel amendment. I join in recommending support for the amendment. As one who was the chairman of the Committee on Indian Education just about 30 years ago and was mindful of the particular needs of Native Americans, as well as those in the densely populated military districts, I think the Senator has given us a good amendment to be able to express our priority by giving focus and attention to the heavily impacted Native Americans and military districts.

I welcome the chance to support the amendment. I thank him for bringing it to our attention.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I understand the Senator from California has 4 minutes remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. Madam President, this amendment, offered as a perfecting amendment, was never part of the printed list of amendments. As a matter of good faith, I was under the impression that it was the perfection of another amendment.

This amendment is effectively the Enzi amendment. The effect of this amendment, if it goes into effect, is not the \$10 million of impact aid for Native Americans; it effectively, under the language of the amendment on page 3 says, "notwithstanding any other provision of law, the secretary shall ensure that assistance under such program is provided to meet the construction and renovation needs of schools receiving impacted aid."

That takes all of the previously appropriated money and effectively ends that kind of support for the schools that are expecting for this to be distributed in this month. So this is a revote on the Enzi amendment. The Enzi amendment was defeated and this amendment should be defeated.

Quite frankly, I really question—I hate to say this—the good will of our colleagues. We have been attempting to working in good-faith efforts here. I didn't object to the modification of the amendment. This is a restatement of the Enzi amendment which effectively takes all of the construction funds previously appropriated and earmarked for States—already now the States would have that—and says that money will go to a handful of impact aid areas. I hope this amendment will be

defeated. It is the Enzi amendment. I ask our colleagues to review their votes at that particular time.

This effectively vitiates the action that was taken in the last Congress to help school construction across this country. With this amendment, it effectively eliminates that kind of proposal. I think it is grossly both an unfair and unwise policy.

I have the list of the allocations now from the Department of Education for each of the 50 States. I say to every one of our Members, you can be assured you will not get this money that is going to go out to your States within the next 4 weeks. It will not go out if this amendment is accepted and becomes law. That is the effect of it.

I regret that we didn't have more time to debate it. I regret that the proponent of the amendment is not here. I have been asking whether the floor manager of the bill understood this to be a repeat of the Enzi amendment. I ask him now if he knows that.

Mr. GREGG. If the Senator will yield?

Mr. KENNEDY. I can't yield on my time, since I have very little time left. I will say it is the exact language of the Enzi amendment. They are identical. That is really a misrepresentation of what this amendment is all about.

I repeat, since I haven't any further time—and we were charged on our side during the quorum call, with all of my time being charged initially—even though earlier today when the Senator wasn't here, we asked for a fair distribution of the time. We can play it whatever way our friends on the other side want, but this is not the way for good legislation or good faith.

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

Mr. GREGG. Madam President, possibly, could you tell us what the time situation is?

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes remaining.

Mr. GREGG. The Senator from California has how much?

The PRESIDING OFFICER. No time remains.

Mr. GREGG. The Senator from Nebraska?

The PRESIDING OFFICER. The Senator from Nebraska has 4 minutes.

Mr. GREGG. The Senator from Nebraska has 4 minutes, I have 4 minutes, and there is no time on that side.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I don't know how the time is charged, but it seems to me that time is obviously being charged fairly and equitably because we are down to 4 minutes on our side, and I think the Senator from Massachusetts probably spoke for at least 4 minutes on his time.

As to the equity of time charge, I think it was reasonable.

As to the issue which the Senator from Massachusetts has asked—did I know this was the Enzi amendment—unfortunately, I didn't. But I still like the Enzi amendment. So I guess I am certainly for it. However, at this point I will yield to the Senator from Arizona, if the Senator wishes to claim time from Senator HAGEL.

Mr. KYL. Madam President, as a co-sponsor of the amendment, perhaps I could have the remainder of the time.

Mr. KENNEDY. Could we ask for another 20 minutes?

Mr. GREGG. That is fine with me if you want 20 minutes equally divided.

Mr. KENNEDY. Yes.

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

The Senator from Arizona.

Mr. KYL. Madam President, first let me respond to the Senator from Massachusetts. I think he will find that this is not the Enzi amendment. That was several pages long. This is the first 21 lines of the first page of the Enzi amendment.

What this amendment says is that the impact aid which has traditionally gone to the federally impacted areas is going to be given a priority. The primary areas we are talking about are Indian reservations and military installations.

In my State of Arizona, we have more reservation Indians than any other State in the United States, and a lot of military installations.

My own view is that States and local school districts have always had the responsibility for school construction. They are the ones primarily responsible for that.

With respect to Federal involvement in primary and secondary education, our first obligation ought to be to the our first responsibilities—the Federal installations and the Indian reservations over which we have trust land responsibility. Both of them are sorely in need of these funds. Therefore, it makes sense to me that we should consider, as a distinct proposition, the first 21 lines of the Enzi amendment, which provide that the priority goes to these federally impacted areas—so that they get the money first, and what is left over can go to other school districts.

To me, that seems very logical. It seems to be the appropriate role for the Federal Government. Why would we not take care of the Federal responsibilities first as a priority and then, to the extent there is money left over, add that to what the States and local school districts spend for their schools?

Since 1967, impact aid construction has not been fully funded. The result is a huge backlog of projects. In Education Week, a school board member in the military impact district said that some districts conducted so much of

their business in portable classrooms and aging buildings that they “more closely resemble prison camps than schools.”

He went on to say, “Our troops are in Bosnia and those are the kinds of schools their kids are in.”

I might note that the Military Impact Schools Association, which is obviously interested in this, estimated it would take \$310 million to meet facility needs in their members' districts.

I can tell you from my experience with the many Indian reservations in Arizona that you have a very similar situation with federally impacted schools in Indian Country. In fact, it is even more dire.

According to a 1996 study by the National Indian Impacted Schools Association, a typical district of this type had more than \$7 million in facilities needs.

And facilities needs are even more pressing for America's 185 Indian schools, which educate 50,000 Indian students.

According to testimony from the director of the Office of Indian Education, perhaps half of the schools within the jurisdiction of the Bureau of Indian Affairs exceeded their useful lives of more than 50 years, and more than 20 percent are over 50 years old.

No fewer than 96 schools need to be entirely replaced.

I think it is important that we put the money first where the Federal Government has the first responsibility, which is in our military installations and Indian reservations. That is all this amendment does. There is nothing secret about it. That is all it does.

That doesn't begin to use up the entire \$1.5 billion that is available here. That is approximately the amount, as I understand it.

Again, we are simply providing the priority to the military installations and the reservations.

I commend the Senator from Nebraska as well as the Senator from Colorado, Mr. CAMPBELL, for his emphasis on getting these needs met, and I certainly hope we can adopt this amendment which establishes the priority for Federal facilities.

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

Mr. KENNEDY. I yield myself 5 minutes.

Madam President, this is an entirely unacceptable way to do business in the Senate. The initial Hagel amendment that was printed for all of us to see applied to impact aid and Native American construction. The amount of money that was appropriated previously was \$10 million. It was represented to us that this was a technical correction about how that \$10 million was going to be expended between impact aid and Native American housing.

At the last moment, the Senator from Nebraska asked for a perfecting

amendment. We, to our fault, believed that it was a perfecting amendment, but the perfecting amendment is an amendment that does not deal with the \$10 million but deals with \$1.2 billion and tracks the Enzi amendment which says the allocations of funding that had been reached under the Department of Education under the Harkin amendment of last year will be emasculated and instead there will be an entirely different distribution according to impact aid, so that every one of those States that was going to receive the aid now from the Department of Education are going to receive nothing. Somehow it will be distributed to States that have impact aid and Native Americans.

That is a perfecting amendment. That just defies understanding, logic, reason, and truthfulness. Truthfulness.

Madam President, I hope that amendment will be defeated. I will print the exact language of the Enzi amendment and the 22 lines the Senator from Arizona says—well, it is true they had 22 lines of the Enzi amendment. That is the operative language. What difference does it make if you have five other pages of it? You have 22 lines of it that say exactly what the Enzi amendment said. That is basically wrong. It is a bad way to deal with this institution.

I am surprised, quite frankly, I regret having to make these remarks when the Senator is not here. We are under a time limit on this, and this amendment ought to be withdrawn, and we ought to deal with the existing Hagel amendment. When all time expires, I am going to make that request, that we withdraw the perfecting amendment and go back to the original Enzi amendment that was distributed and that was understood to be the amendment on which we were going to act.

I yield the remaining 5 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. There are 7 minutes remaining.

Mr. DURBIN. Madam President, in my home State of Illinois, we have an impact aid district. It is near the Great Lakes Naval Training Station. It needs additional Federal assistance. I supported it and asked for it over the years, and I will continue to support it.

The Hagel amendment we are considering is fundamentally inexplicable. Here we have \$1.2 billion to be given, as I understand it, to 200 impact aid school districts; \$6 million per school district if you happen to be in the lucky category of Senator HAGEL's amendment. And who will lose? Sixteen thousand school districts across America that have already made application and been approved for money for renovation of schools.

In my home State of Illinois, we are talking about \$42 million they expect

to receive in the next few weeks, money that will be spent to make schools better and safer before the new school year starts. They will not receive the money under the Hagel amendment. Only one school district in my State will receive the money, some \$6 million. Quite a windfall.

I am sure they can figure out someplace to use it, but is that fair? Is it fair at this point in time, after every State in the Union and the school districts therein have made applications for \$1.2 billion in school construction money, to tell them it is over, they are not going to receive this assistance? The money that is being applied for in this construction grant is money to make schools safer so kids can go to school and have a good learning experience.

I thank the Senator from Arizona, Mr. KYL. He really explained the motive behind this amendment. It is not a matter of helping impact aid districts; it is a matter of many Senators on that side of the aisle objecting to the notion that the Federal Government would give money to local school districts.

The Senator from Arizona was very forthcoming. He said when it comes to school construction, it should come from State and local funds. That is his philosophy. This amendment reflects it. They do not want Federal assistance going to school districts across the State.

I respect the Senator for being forthcoming in his statement, but let's be very clear that this amendment will take away \$1.2 billion in school construction funds that school districts across America have applied for to make their schools better and safer for the new school year. That is clearly the intent of it. It is not a question of helping kids in school. It is a question of ending a program which many people on the other side of the aisle just do not agree with philosophically.

I happen to believe education is the highest priority in our country. I believe that an investment from the Federal Government in making our schools safer so kids do not have the ceilings falling down on top of them, they are not stuck out in a trailer in the parking lot, they have a good classroom where they can learn, is a national priority that deserves a national investment.

Those who opposed that program in years gone by had a chance to argue against it. They lost the debate. Now they are trying with the Hagel amendment to win again.

I say to the Senator from Massachusetts, this amendment is, as he says, a last minute attempt to undermine a good program for school construction across America. Those school districts in every State are going to learn, if this amendment is adopted today, they have lost the Federal assistance they need to improve their schools. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. How much time is on this side?

Mr. GREGG. I yield to the Senator from Arizona 3 minutes.

Mr. REID. How much time remains on this side?

The PRESIDING OFFICER. Three minutes 29 seconds.

Mr. KYL. That was the time remaining on the Democratic side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KYL. And the time remaining on the Republican side?

The PRESIDING OFFICER. Ten minutes.

Mr. KYL. Madam President, I want to respond to my colleague from Illinois.

I would like to characterize my position rather than having my friend from Illinois characterize my position. He complimented me on being candid to say that I thought the first responsibility for the Federal Government in school construction is for the military installations and Indian reservations. That is correct.

That is why, in this amendment, we first apply school construction funds to the needs of the military installations and the Indian reservations because those are the schools that get no help from the States. States do not build schools on military installations of the Federal Government or on the Federal Indian reservations. Only the Federal Government has that responsibility. Only we spend the money for those facilities.

Those facilities are in horrible condition, far worse as a general rule than the average school described by my friend from Illinois.

What we are saying is since only the Federal Government takes care of these two areas, or should, that the money we have allocated for school construction should first be applied to them as a matter of priority.

Do I have a bit of a parochial interest here? Yes, I do because we have a lot of military installations and Indian reservations in Arizona, and the conditions are deplorable on our Federal Indian reservations. Anybody in this Chamber would be embarrassed to go to these facilities, and I add to that the court facilities, the jail facilities, and a lot of other facilities. And who has the responsibility for them? The Federal Government. Again: these are the schools that do not get any help from the States.

What are we saying as the Federal Government when we say that we are going to help the States and local governments build their schools before attending to our first obligation, our Indian reservations and military installations? I say that is backwards. We already have somebody who is supposed

to have the responsibility to take care of our primary and secondary education within the States. It is only the Federal Government that can take care of the military and Indian reservations. That is why I say this amendment makes all the sense in the world.

Let's prioritize the Federal dollars so we take care of our own responsibilities first and then the remainder of the funds can be distributed to the State school needs.

That is the way I characterize this, rather than the way my colleague from Illinois did. It is a matter of priorities.

I hope my colleagues will support the amendment.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The majority has 3 minutes 29 seconds, and the minority has 6 minutes.

Mr. KENNEDY. The Senator from Iowa is here. He was the proponent of the initial amendment that provided \$1.2 billion which has been appropriated and now allocated to 50 States. The initial amendment of the Senator from Nebraska had a program that was previously funded at \$10 million, and his amendment allocated that \$10 million to Native Americans. That was the initial amendment.

The Senator sent up a new amendment that was not even printed that effectively wipes out all of the money appropriated under the Harkin amendment a year ago and will deny the 50 States the funding to which they were entitled.

The remaining 3 minutes goes to the Senator from Iowa.

Mr. HARKIN. I don't know how this amendment all of a sudden came out of the clear blue sky. We heard it was noncontroversial. This amendment robs States of millions of dollars they get on July 1 of this year. This is money we put in the appropriations bill last year. It was agreed to by the Republicans, by the Democrats, by the House, by the White House. This is all signed off on. This is \$1.2 billion that goes to States for emergencies—safety, repairs to schools, to meet fire code violations.

This is the same amendment—this amendment that is before the Senate—that was defeated May 16 by a bipartisan vote of 62-37. This is basically the same amendment. We have already defeated it 62-37. If Members vote for this amendment, they are voting to cut already appropriated funds that are going to States. Members are shifting it to important but a small number of schools in a few States.

Before Members vote, see how much money is going into your State beginning on July 1 of this year. If this amendment passes, your State will not get one cent of this money for emergency repairs to meet fire and safety codes in their schools.

This amendment was defeated on May 16—check the record—by a bipartisan vote of 62-37. This money is already appropriated. I already have the amount of money that has been allocated going to each State. The money is going out on July 1. Your school districts are counting on getting this money to meet fire and safety codes, to repair and renovate their schools. This is not building new schools. This is simply to make your schools safe.

I hope people will reject this amendment as we rejected it before by a vote of 62-37 on May 16.

Mr. CAMPBELL. Mr. President, first I thank Senator HAGEL for offering an amendment to S. 1 concerning the existing obligations the Federal Government has to Bureau of Indian Affairs, DOD and impact aid school systems, through numerous treaties, statutes, and court decisions, the Federal Government has assumed a trust responsibility to provide a quality education to Indian children.

This duty includes providing school facilities that have such basic amenities as 4 walls, heat, and healthy air to breathe. Adequate facilities and such essential necessities are not being provided to many Indian children attending Bureau of Indian Affairs, (BIA), funded schools.

Unlike communities that have a tax base to fund school construction, military reservations and Indian reservations are dependent on Federal resources. Nearly 4,500 facilities serve the Bureau's education program, consisting of over 20 million square feet of space, including dormitories, employee housing, and other buildings providing education opportunities to more than 50,000 students. These facilities serve more than 330 federally recognized Indian tribes located in 23 States through self-determination contracts, compacts and education grants.

We are not dealing here with "the unknown." The GAO and other entities have produced countless studies and surveys showing us that half of the school facilities in the inventory have exceeded their useful lives of 30 years, and more than 20 percent are over 50 years old. Numerous deficiencies in the areas of health, safety, access for disabled students, classroom size, ability to integrate computer and telecommunications technology, and administrative space have been reported by the Bureau.

As a former teacher myself, I am appalled when I visit reservations and see first hand the many schools with leaking roofs, peeling paint, overcrowded classrooms, and inadequate heating and cooling systems. The studies have shown that such deficiencies have adverse effects on student learning. By not providing secure educational facilities, we are paralyzing these children and putting them at a disadvantage that they may never overcome.

The Federal Government has responded to the problem in piecemeal fashion, often using temporary solutions instead of working on a permanent plan of action. For instance, in fiscal year 2001 President Clinton's budget requested \$2 million for "portables" or trailer classrooms that have been used since 1993. To date, the BIA has purchased 472 portables and 20 percent of the BIA's total education buildings are now portable classrooms. The request states these trailers are needed due to overcrowding and unhealthy and unsafe buildings. It states that portables are used to replace buildings or parts of buildings that have "poor air quality" that result in what the BIA calls "sick building syndrome."

New funds for Indian school construction is one of the major focuses of President Bush's fiscal year 2002 budget request with \$292.5 million slated for such purposes. Of the overall education construction budget, \$127.8 million has been requested for the construction of six schools: Wingate Elementary, NM; Polacca Day School, AZ; Holbrook Dormitory, AZ; Santa Fe Indian School, NM; Ojibwa Indian School, ND; and Paschal Sherman School, WA.

As of January 2001, the repair and rehabilitation, and renovation backlog for Indian education facilities and quarters stood at \$1.1 billion and is even greater today.

I understand the underlying notion of the Feinstein amendment, but I think this body should affirm our existing obligations to this Nation's DOD, Indian, and impact aid schools before we undertake even greater obligations.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 seconds and the Senator from New Hampshire has 6 minutes 59 seconds.

Mr. GREGG. Madam President, I make a point: For all the concern which the other side has, I believe the other side has a right to know of the amendments that come forward. The confusion about this is unfortunate. The fact is, this amendment is a legitimate second degree to the underlying amendment, and therefore would have been in order if we had been functioning under the traditional parliamentary system. We are functioning under a system where we don't second degree; we have side-by-sides. As a second degree, it would have wiped out the Feinstein amendment. That is just a statement of where we are parliamentarily.

I yield the floor.

Mr. HARKIN. I ask to be recognized for 60 seconds.

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

Mr. HARKIN. Madam President, I make it clear again: On May 16 an amendment was offered by Senator

ENZI of Wyoming that would have redistributed \$240 million of the \$1.2 billion that is going out for school repair. That amendment was defeated by a vote of 62-37. That would have only redistributed \$240 million. This amendment before the Senate takes the whole \$1.2 billion and puts it into Impact Aid.

If a Member was opposed to taking \$240 million out of the school renovation repair for fire and safety code on the Enzi amendment, that Member surely ought to be opposed to taking \$1.2 billion and putting it into Impact Aid and taking it away from our schools for meeting safety and fire codes in our local school districts.

Mr. KENNEDY. I ask to proceed for 2 minutes and give 1 minute to the Senator.

The initial Hagel amendment was 549; what was called up was No. 797 and was not printed. This was \$10 million which we understood was going to be perfected in some way, as we have been perfecting amendments all day long on the floor and granting that permission—although it takes consent to do it. We expected that perfection would be along the lines of the Hagel amendment, a drafting error. Instead, what was called up is a completely different amendment, 797, that was not even printed and otherwise would be out of order since it was not filed in time. Instead of \$10 million, it is \$1.2 billion.

I think that is a gross misappropriation. I ask, therefore, that the perfecting amendment be withdrawn and that we vote on the initial Hagel amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. The objection is heard.

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

Mr. GREGG. I believe I have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand the Senator from Massachusetts is expressing his frustration about the situation. But the situation is not, as I mentioned before, so far from what a typical parliamentary situation would be. All the first degrees had to be cleared, that is correct, but no second degrees had to be cleared. So there have been second degrees which are not being set up as second degrees because of this side-by-side process, which has been very constructive, so that everybody gets a vote on what their position is. They have been relevant to the first degree but have not been filed. So this is a second-degree amendment which is being held as a side-by-side amendment.

That being said, simply, once again, to clear the parliamentary errors from where we are from our perspective.

I yield the floor.

How much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. GREGG. I ask unanimous consent we stand in a quorum call for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator can suggest the absence of a quorum. It will require further consent to terminate the call. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I wanted to ask if it would be appropriate—

The PRESIDING OFFICER. A quorum call is in progress.

Mrs. HUTCHISON. I ask unanimous consent the quorum call be lifted for—

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued the call of the roll.

AMENDMENT NO. 797, WITHDRAWN

Mr. HAGEL. Mr. President, I ask unanimous consent that the yeas and nays on my amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. HAGEL. Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: Was the amendment withdrawn, or did the author of the amendment intend to withdraw it?

Mr. HAGEL. Mr. President, my intent is to withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object— of course I will not object—I cosponsored it because I felt very strongly that it was something we should do. I hope that sometime we will prioritize Federal funds for our responsibility to Federal military and Federal Indian reservation installations. I hope at some point we can get along with it. But, obviously, I don't object to withdrawing the amendment.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: I ask the distinguished manager of the bill if there will be another opportunity with appropriate notice to have a vote on the Federal priorities for Federal schools because I, too, am very interested in our military schools and our Indian schools being a first priority. That is my inquiry.

Mr. KENNEDY. Mr. President, there are amendments which are filed to that effect and that are in order. I don't have the list as to that particular measure in front of me.

Mr. GREGG. Mr. President, I think there is an amendment coming up that would be relevant to a second degree. If the Senator wishes to bring it back, it would be available at that time.

Mrs. HUTCHISON. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Nebraska that his actions tonight, because of a misunderstanding that could have been on our part, only magnify my feelings about the Senator from Nebraska. This was very classic action on his behalf, and I personally appreciate it.

Mr. KENNEDY. Mr. President, I join in that. The Senator has given me a good explanation of what his plans were and what his intentions were, and they were completely honorable—not that they are not always honorable.

His explanations made a great deal of sense to me when he explained what he had intended to do. So we were caught up in a difficult situation. I am enormously grateful to him for this action. We are more than glad to accommodate Senators as we move on. We will have another opportunity.

On the basis of the substance, if he wants to, I will certainly ask consent that we be able to consider the Senator's amendment at a time, if he chooses to do so, later in this debate. We will all have an opportunity to vote on it at some time. I will take the opportunity to discuss this with the Senator and other interested Senators at a later time.

I thank him very much.

Mr. HAGEL. Mr. President, may I respond. I appreciate very much the work of my friends and colleagues from Nevada and Massachusetts. I would very much like to accept the invitation of the distinguished senior Senator from Massachusetts to at a later date have an opportunity to revisit this subject.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 370, AS MODIFIED

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 370, as modified, offered by the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—52

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Graham	Reed
Byrd	Harkin	Reid
Cantwell	Hollings	Rockefeller
Carnahan	Jeffords	Sarbanes
Carper	Johnson	Schumer
Cleland	Kennedy	Smith (OR)
Clinton	Kerry	Stabenow
Collins	Kohl	Torricelli
Conrad	Landrieu	Wellstone
Corzine	Leahy	Wyden
Daschle	Levin	
Dayton	Lieberman	

NAYS—46

Allard	Fitzgerald	Nickles
Allen	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Snowe
Campbell	Helms	Specter
Chafee	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voivovich
Domenici	Lugar	Warner
Ensign	McCain	
Enzi	McConnell	

NOT VOTING—2

Inouye Murkowski

The amendment (No. 370), as modified, was agreed to.

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

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we have the Senator from Washington, Ms. CANTWELL, who has an amendment. As I understand it, there will probably be a side-by-side amendment that will be offered on that from the other side. It is the desire that both of those would be considered together probably on the morrow.

We have the Senator from South Carolina and Senator WELLSTONE to speak. We are prepared to take the Nelson amendment now and include that. It has been cleared. Later on in the evening, we will have a voice vote on the amendment of my colleague, Senator KERRY. There is going to be, as I understand it, from the other side, a side-by-side amendment to that of the Senator from South Carolina. That is going to be available tonight, and it is going to be printed tonight. I don't know whether the Senator from Pennsylvania intends to speak about it tonight or not. We are just trying to get the general lay of the land so that the Members will know the way we are going to proceed. That is sort of what we have on track.

Then we have a full morning tomorrow with the Senator from Connecticut and his amendment. We will then disperse of these other measures.

I see the majority leader here. I know he wants to address the Senate.

Mr. DASCHLE. Mr. President, I compliment both managers. I thank especially my colleague, Senator KENNEDY. We have made a lot of good progress today. Obviously, we have a full night's work tonight. With that understanding, I have talked with Senator LOTT, and I think we are prepared to say tonight there will be no more votes. We will have those two votes side by side tomorrow at 9 o'clock.

So we will begin again following our work tonight with the votes tomorrow, and we will go on to the Dodd amendment and the order that Senator KENNEDY has suggested.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Was the Senator propounding a unanimous consent agreement?

Mr. KENNEDY. No, I was not propounding a consent request. I was stating the way the managers would like to proceed. We are trying to proceed in good faith. We have talked to the different Members, and that seemed to be acceptable. We wanted to let the Members know.

Mr. WELLSTONE. Senator HOLLINGS and I were under the impression we would vote tonight. Sometimes when colleagues are gone, it is like spitting in the wind. If we are going to do it tomorrow, could we have—and this would hold true for Senator SANTORUM—5 minutes each to summarize tomorrow?

Mr. KENNEDY. Yes.

Mr. DASCHLE. Mr. President, we will put forth a unanimous consent request, which we will be prepared to propound later tonight. We will take that request into consideration.

Mr. KENNEDY. Mr. President, so we will continue through this evening. If there are other Senators with other amendments, we will try to continue the process. We have made good progress during the day, and we have some remaining important amendments tonight, and particularly in the morning. We thank our colleagues for their cooperation. We can move ahead.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent to modify amendment No. 630.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object—and I will not—it is my understanding that the Senator from Washington is going to take about 5 minutes; is that right?

Ms. CANTWELL. About 7 minutes.

Mr. REID. Seven minutes.

Mr. GREGG. Reserving the right to object—

Mr. KENNEDY. Mr. President, will the Senator proceed now, and we will have a chance to look at the modification and make the request for the

modification perhaps later at the conclusion of her remarks? If I could suggest that to the Senator.

Ms. CANTWELL. I will call up—

Mr. KENNEDY. If the Senator wants to proceed with her presentation, and then we will have an opportunity for the other side to review the modification. I am sure it is in order, and we can modify the amendment and dispose of this tomorrow.

AMENDMENT NO. 630 AS MODIFIED

Ms. CANTWELL. I will call up amendment No. 630, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 630, as modified.

Mr. KENNEDY. Mr. President, there is no objection to the modification.

I ask unanimous consent that the amendment be modified.

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

The amendment, as modified, is as follows:

(Purpose: To provide additional requirements)

On page 363, line 12, after "disability." insert the following: "It shall be a further goal of this part to encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based methods that can be widely implemented into best practices by State and local educational agencies."

On page 369, between lines 6 and 7, insert the following:

"(2) outlines how the plan incorporates—

"(A) teacher education and professional development;

"(B) curricular development; and

"(C) technology resources and systems for the purpose of establishing best practices that can be widely implemented by State and local educational agencies;"

On page 375, between lines 18 and 19, insert the following:

**"SEC. 2309. NATIONAL EVALUATION OF TECHNOLOGY PLANS.**

"Not later than 36 months after the date of enactment of this title, the Secretary, in consultation with other Federal departments or agencies, State and local educational practitioners, and policy makers, including teachers, principals and superintendents, and experts in technology and the application of technology to education, shall report to Congress on best practices in implementing technology effectively consistent with the provisions of section 2305(2). The report shall include recommendations for revisions to the National Education Technology Plan for the purpose of establishing best practices that can be widely implemented by State and local educational agencies."

Mr. KENNEDY. Mr. President, the Senator from Washington will proceed for 7 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise today to urge my colleagues to support this bipartisan amendment to the Elementary and Secondary Edu-

cation Act that embraces the powerful role technology can play as a tool in educating our Nation's children.

Before I proceed further, I thank Senator KENNEDY for his exceptional work and leadership on this bill, and I thank Senator ENZI for his work in helping me develop this amendment. His leadership in technology issues during his tenure in the Senate has been outstanding, and I look forward to the continued work on these and other important technology issues.

Technology has brought innovation and efficiency to our lives through businesses, and now it is time to make sure we make those same achievements in our educational system.

Across the country, we have seen the proper uses of technology can transform a curriculum into a multimedia interactive experience that not only helps children learn more effectively but also fosters a student's passion for learning.

Numerous recent studies, including some done by the Department of Education, the White House Office of Science and Technology, and the Rand Corporation, have shown that technology serves the goal of education in several important ways: Supporting student performance, increasing motivation and self-esteem, and preparing students for the future.

Last fall, a San Francisco-based independent research organization released a study showing that the integrated use of computer technology in schools significantly increases learning. The study focused on the first 3 years of Microsoft's Anytime, Anywhere Learning Program which provides laptops for students and their teachers to integrate technology into the classroom and into their daily classwork. The study showed it improved the students' writing and encouraged collaboration and more involvement with their school classwork.

So we understand that the potential of education and technology is no secret. But what we are finding today, as this chart shows, is that much of the investment has been made, in fact, in equipment. The chart shows that unless technology is properly integrated into curriculum, students will not realize the benefits of having access. Without teachers who know how to use computers to teach children, they will not benefit. When teachers are well trained and technology is used effectively to unleash children's imagination and creativity, magical things happen in our educational system.

Take, for example, Tonasket, WA, where a teacher, Larry Alexander, combined computer technology and a 500-tree apple orchard to teach his fifth grade class about science, math, and technology. The kids studied a range of topics, including cell growth, life cycles, geometry, economics, and hands-

on learning experiences, literally becoming the most favorite program in the school.

What the Cantwell-Enzi amendment says is that in addition to computers and access, we need to assure teacher training and curriculum development. The Cantwell-Enzi amendment takes the first step in bridging the technology and teaching divide. The amendment says the technology block grant program for State and local agencies should be amended so that instead of just putting dollars into technology under the title II program, States applying should integrate their system resources with teacher training and professional development and curriculum development, thereby assuring a focus on teacher training and curriculum development and not just on equipment.

There are many examples of success to which this kind of legislation can lead, but I want to give one example from the State of New Jersey where a neighborhood of Cuban citizens and a school in Union City have made great success. I ask unanimous consent to print in the RECORD an article that appeared in Business Week in the last year on this subject.

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

WIRED SCHOOLS—A TECHNOLOGY REVOLUTION IS ABOUT TO SWEEP AMERICA'S CLASSROOMS

In 1989, the schools in Union City, N.J., an impoverished Cuban enclave along the Hudson River across from Manhattan, were among the nation's worst. They received failing marks in 44 of the 52 categories New Jersey used to assess schools, and state officials warned they would seize control if Union City didn't shape up. The threat prompted many changes in Union City, including a technological transformation of its entire educational system. Aided by Bell Atlantic Corp. (BEL<[http://host.businessweek.com/businessweek/corporate\\_snapshot.html?Symbol=BEL&Timespan=260](http://host.businessweek.com/businessweek/corporate_snapshot.html?Symbol=BEL&Timespan=260)>), officials equipped the schools and students' homes with a network of computers, creating "one of the most, if not the most wired urban school district in the U.S.," says Margaret Honey, director of the Center for Children & Technology in New York City. But Union City did far more than simply buy computers. The school day was restructured into longer classes; teachers were given 40 hours of training a year, up from 8; the district's school budget more than doubled; and the traditional curriculum, emphasizing rote learning, was scrapped so students would work on joint projects such as researching a report on inventions. "The dynamics have changed tremendously," says Mary Ann Sakoutis, a 37-year veteran social studies teacher at Union City's Emerson High School, whose U.S. history students now spend much of their time on the Net researching such events as the Spanish-American War. "The kids are more involved, and I am no longer force-feeding them." It shows. Last year, Union City topped all New Jersey cities on state tests. The number of graduates accepted at top institutions such as Yale University and Massachusetts Institute of Technology has jumped from 8 in 1997, the

last class taught the old-fashioned way, to 63 in 1999.

\* \* \* \* \*  
Ms. CANTWELL. The article says:

But Union City did far more than simply buy computers. The school day was reconstructed into longer classes; teachers were given 40 hours of training a year—

And the school district doubled its budget—

and the traditional curriculum of emphasizing rote learning was scrapped so students could work on joint projects such as research reports and inventions.

The article further says that the kids are more involved and they are no longer being force fed in the educational system. The result is, the article says, that Union City topped all New Jersey cities on State tests. The number of graduates accepted at top institutions such as Yale University and Massachusetts Institute of Technology has jumped from just 8 of their graduates from Union City in 1997, the last time a class was taught the old-fashioned way, to 63 accepted graduates in 1999.

I think it shows the success of our focus on technology ought to be on curriculum development, teacher training, and on integration of the system.

This amendment asks that the Department of Education analyze after 3 years the best practices so we can scale the use of these best practices into our educational system in this country.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as an enthusiastic cosponsor of the Cantwell-Enzi amendment. For some time, we have been working together to make sure there is not a digital divide in the United States of America. Both in the budget and in other amendments in this bill, we have passed legislation to provide access to technology, but we also have to be sure our children have access to people who know how to teach technology.

Bill Gates said that if you have access to technology and know how to use technology, whether you are a person, a county, or a country, your future is bright, but if you do not have that access, your future is dismal.

As we are working on our legislation, we want to make sure we have access to technology, but it is not only about gadgets, it is not about gear, it is about opportunity and empowerment.

We need to make sure the children do have technology, but the single most important thing is teacher training—that the teachers themselves know how to use technology and then also, through creativity and new ingenious software, get our children ready for the future.

We do not have a worker shortage in this country, but we do have a skill shortage. K-12 is the farm team for the

future. Just as we have little leagues for baseball, we have to make sure our teachers are big league and ready to teach technology.

I am pleased to continue to support the legislation that ensures there is no digital divide. The amendment offered by the Senator from the State of Washington is just what we need to make highest and best use of the technology we are going to provide. I congratulate her on her research, creativity, and the practicality of her amendment. I look forward to voting for it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I was under the impression this amendment was going to take a couple minutes, that the other side accepted it. Now I understand they are going to offer a second-degree amendment.

Mr. SANTORUM. To Wellstone.

Mr. REID. To Wellstone, not to this.

Does the Senator from New Jersey wish to speak for 5 minutes on this amendment? I ask unanimous consent that be the case. If I may, while I am proceeding, I ask the Republican manager, is there going to be a second-degree amendment offered to this amendment?

Mr. GREGG. Yes.

Mr. REID. May we vote on them in the morning?

Mr. GREGG. If the Senator will yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding we will be voting on these in the morning. If they are acceptable, there will be less time needed to debate them in the morning.

Mr. REID. They both may be accepted; is that right?

Mr. GREGG. If they are going to be accepted, I do not know if your side has reviewed the second-degree amendment.

Mr. REID. My only question is, we have Senators HOLLINGS and WELLSTONE waiting, and we know they are going to be second-degreed. Senator SANTORUM already spoke to Senator HOLLINGS. I wonder how much more time the Senator from Virginia wants on this amendment.

Again, we have Senators HOLLINGS and WELLSTONE waiting. They thought they would be next.

Mr. ALLEN. We thought we were going to be introducing this amendment tomorrow morning. Copies are being made now. I believe I can give my remarks in 15 minutes this evening and it would be perfectly fine to vote. I understand people want to move forward.

Mr. REID. If the Senator from New Hampshire has the floor, maybe the Senator from Virginia could offer his amendment tonight, we could look at it, and he could speak on it sometime tomorrow and we could dispose of these two amendments.

Mr. GREGG. That is an excellent suggestion. Perhaps those folks who wish to speak on the amendment of the Senator from Washington could also speak tomorrow prior to the vote on both.

Mr. REID. Senator CORZINE only wishes to speak for 5 minutes. We have Senator HOLLINGS waiting.

Mr. GREGG. We will plan to do it that way.

Mr. REID. We vote on Senator HOLLINGS in the morning and Senator SANTORUM in the morning.

Mr. GREGG. That is correct. Senator SANTORUM may need some time, unless it is accepted.

Mr. REID. He has whatever time he needs tonight. Senator HOLLINGS and WELLSTONE wanted 5 minutes. Does he need more than that?

Mr. GREGG. The Senator from Pennsylvania is in the Chamber and can advise how much time he believes he needs in the morning.

Mr. SANTORUM. Maybe 10 or 15 minutes.

Mr. REID. We will prepare something in writing.

Mr. GREGG. Thank you.

Mr. ENZI. I wanted to speak on the Helms amendment, as well.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I rise in strong support of the amendment that develops best practices for teaching technology education, the integration. This amendment ensures that our kids benefit from new technologies that are rapidly changing the face of our country.

Before I discuss the amendment, I extend my compliments to the Senator from Washington, Ms. CANTWELL, for her outstanding leadership on this issue. Given her State and her own personal background, it is fitting she has taken the lead in this area. I think her expertise and her commitment to the application of technology in our society is a terrific addition to the Senate.

I am particularly pleased the Senator from Washington cited Union City, NJ, as one of those places that has effectively integrated computer technology into the educational system, making a real difference in the lives of children in their learning experience. We heard the statistics.

It is clear the Internet and the proliferation of computers have created a revolutionary change in our society. Yet when it comes to using the Internet to improve our schools, we have only scratched the surface. As the Senator suggested, we have done a lot regarding investing in hardware, but not a lot on the software, particularly among the teachers that have to bring the technology to our students.

We need to move beyond word processing and e-mails and get to the real heart and soul of learning in a fundamental way and make it more inter-

esting, more effective. The same kind of productivity gains we have had in our economy we can have in education. To do that we need to do a better job of training teachers and showing them how computers can change, not just what we teach but how we teach, integrating the technology and educational experience together.

A few years ago, it would have been difficult for a fifth grader in a New Jersey school to share their experiences with a similar class in Australia or anywhere else in the world. Now they can. A few years ago it would have been difficult for students to chat real time with real experts around the country about questions discussed in class. Now they can. A few years ago it would have been unrealistic for a teacher to involve students with interactive software that uses exciting games to teach math and science. Now they can.

However, they cannot do any of these things if teachers do not have the ability or the background to deliver those experiences. Today, many classrooms are equipped with computers, but their teachers are not equipped to integrate the computers into a learning experience. That is why this amendment is vital. Truly, it will make a difference. It will require States and local education officials to develop strategies for improving teacher training and curriculum development in order to assure that schools take full advantage of the Internet and other new technologies. There is tremendous potential and this amendment will make that possible.

Again, I thank Senator CANTWELL for her leadership on this issue. I urge my colleagues to support this important amendment, bringing the advances we have had in the rest of our society to our classrooms.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from New Hampshire.

Mr. GREGG. What is the present business before the Senate?

The PRESIDING OFFICER. The Cantwell amendment, as modified, is pending.

Mr. GREGG. I ask unanimous consent to set aside the amendment, and I send an amendment to the desk and ask it be reported on behalf of Senator SANTORUM.

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

Mr. KENNEDY. As I understand, the Senator sent the amendment which will be offered as a side-by-side, the Santorum amendment, for tomorrow. I hope the amendment is printed and that interested Members and their staffs have a chance to take a look. We have copies available for the staff.

There is no objection.

Mr. GREGG. I withdraw my unanimous consent to set aside the Cantwell amendment so this can be a second degree. Is that correct procedure?

Mr. KENNEDY. As I understand, we are going to follow the precedent from earlier of voting side by side. We had the opportunity to vote first on the Cantwell amendment and then the other amendment, with back-to-back votes. I think that is what is intended. I think the Senator from New Hampshire agrees with me.

Mr. GREGG. Mr. President, the cleanest way to do this is, if I may inquire of the Chair, to offer this as a first degree and have the Cantwell amendment also be a first degree. Would that be the most appropriate way to proceed?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, at this moment I ask to withhold further action on the amendment I sent to the desk.

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

Mr. HOLLINGS. Mr. President, I want to conform to the unanimous consent agreement. Accordingly, I ask my amendment at the desk be called and reported. I take it it is an amendment in the first degree?

The PRESIDING OFFICER. The amendment as drafted is a second-degree amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent it be considered as a first degree.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 798 AND 799 TO AMENDMENT  
NO. 358

Mr. GREGG. Mr. President, I ask unanimous consent at this time the Santorum amendment, which I had sent to the desk, be reported and that it be considered as a first degree in a side-by-side status with the Hollings amendment which is now a first degree.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 798.

The Senator from New Hampshire [Mr. GREGG], for Mr. Santorum, proposes an amendment numbered 799.

The amendments are as follows:

AMENDMENT NO. 798

(Purpose: To permit States to waive certain testing requirements)

On page 47, after line 12, insert the following:

“(i)(I) a State may elect, in accordance with this clause, to waive the application of the requirements of this subparagraph if—

“(aa) the State determines that alternative public elementary and secondary educational investments will produce a greater increase in student achievement; or

“(bb) the State can demonstrate the presence of a comparable assessment system;

“(II) a waiver under subclause (I) shall be for a period of 1 year;

“(III) a State with a waiver in effect under this clause may utilize Federal funds appropriated to carry out activities in schools that fail to make yearly progress, as defined in the plan of the State under section 1111(b)(2)(B), to—

“(aa) increase teacher pay;

“(bb) implement teacher recruitment and retention programs;

“(cc) reduce class size;

“(dd) hire additional teachers to reduce class sizes;

“(ee) improve school facilities;

“(ff) provide afterschool programs;

“(gg) tutor students;

“(hh) increase the access of students to technology;

“(ii) improve school safety; or

“(jj) carry out any other activity that the State educational agency determines necessary to improve the education of public elementary and secondary school students; and

“(IV) a State shall ensure that funds to which this clause applies will not be used to pay the cost of tuition, room, or board at a private school or a charter school;”.

AMENDMENT NO. 799

(Purpose: To express the sense of the Senate regarding science education)

At the appropriate place, insert the following:

“SEC. . . SENSE OF THE SENATE.

“It is the sense of the Senate that—

“(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

“(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, following the debate here for the last 7 weeks, one would think the public school system of this Nation is in terrible, terrible disrepair. In fact, you'd think it should be closed down, a good bit of it. That is the thrust of the so-called testing approach given here, whereby for \$7 billion over a 7-year period, all who have not done so will do so immediately. In other words, third to eighth grade pupils will be tested and then found inadequate and the trustees found unresponsive. Thereby, what we have is a closing down of the public school system.

So we are going to show them from Washington. It is all out of whole cloth. The fact is, at the Federal level, we only provide some 7 cents of every education dollar. So we are not closing down the schools. And we ought to understand, at the outset, the public school system is one of the geniuses of the Founding Fathers.

It was James Madison:

A popular government without popular information or the means of acquiring it is about a prologue to a farce or a tragedy.

In the earliest days, there was Madison.

John Adams:

The whole people must take upon themselves the education of the whole people and be willing to bear the expense of it.

The reason I start in this vein, to make these quotes, is because I have observed the 20-year effort to close down public schools: put in tuition tax credits, put in vouchers, put in charter schools—anything but give to the public schools and the pupils of America what they need.

Thank heavens for the wonderful Senator from Minnesota, Senator PAUL WELLSTONE. I had not been in on the early parts of this 7-week debate. But watching his zeal, his brilliance, and the way he has approached this particular problem, he has really been an education to all of us in the Senate.

Let's look, for example, at the Land Ordinance of 1785, whereby 4 years before the ratification of the Constitution of the United States they divided up in the western lands of Minnesota, 6 miles by 6 miles square, 36 squares, with the provision that square 36, in the middle, be reserved for public education. And Horace Mann, the father of public schools in America, said that this law laid the foundation of the present system of free schools:

The idea of an educational system that was at once both universal, free, and available to all the people, rich and poor alike, was revolutionary. This is the great thing about America. No other nation ever had such an institution. Three centuries later it is a stranger to the bulk of the people of the world. The free public school system which the Puritans conceived, has been, in large measure, the secret of America's success. In these classrooms, children of all ages, nationalities, and tongues, learned a common language and became imbued with one central idea: The American conception that all men are created equal, that opportunities are open to all, that every minority, whether respected or despised, has the same guaranteed rights as the majority. Parents who landed here often brought with them the antagonisms, the rivalries, the suspicions of other continents, but their children became one and united in the pursuit of a democratic ideal.

Mr. President, what Mann said and persists today is what he calls the large measure of the secret of America's success—not failure, success.

I emphasize that because in the hinterlands 70 years ago, I was tested. We have been having tests, tests. The fact

of the matter is I looked it up. This past school year, they spent \$422 million on testing.

Let's go to the little State of South Carolina where we have been having tests for the third through eighth grades, complete, at the cost of some \$7.8 million.

The superintendent of education in South Carolina, Ms. Inez Tenenbaum, said students under her testing system made significant and, in some cases, dramatic improvements in the latest round of tests. South Carolina increased greatly, met or exceeded the international average in the Third International Math and Science Study.

The national report card, Quality Counts 2001, published by the respected national magazine, Education Week, recognized South Carolina's efforts to improve teacher quality and raise academic standards. South Carolina was ranked among the top six States in the Nation in both categories.

My little State is not affluent with a low per capita income, and with a large minority population who, for 200 years, did not have public schools.

The first thing I did the week I was elected back in 1948 was to attend the Freedom School across the Cooper River in my county in November. It was one big square building with a potbelly stove in the middle, with classes in each of the four corners, and one teacher. That is what the minorities had in 1948. We didn't start providing adequate educational opportunities for minorities until 1954 with Brown vs. Board of Education, and we are still playing catchup. It is not because we haven't made the effort or we do not know what is going on.

I really get annoyed when I hear the Senator, not to be identified, say what we want to do is find out what works. Come on, Washington, ha-ha. We are going to find out what works.

Mr. President, I have a school that has been taken over by this distinguished superintendent. It has almost a totally black population. They have the zeal. They have the interest. They don't have the wherewithal. Now, we are helping at the State level. But to find out what works, they only have to go up to the junior high school in Columbia, SC, which was extolled in last week's issue of Time magazine, or to the Spartanburg High School in Spartanburg, SC, which was the first 4-time Blue Ribbon School.

We know what works. We are working on what works. What really gets this Senator is potentially spending \$3 to \$7 billion on testing, according to the National Association of State Boards of Education. I ask unanimous consent that this be printed in the RECORD.

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

ESTIMATED COST OF FEDERAL TESTING MANDATE FOR READING AND MATH (DOES NOT INCLUDE SCIENCE ASSESSMENT REQUIREMENT)

(Calculations on the attached chart were made using the accepted cost scale of developing and administering (scoring, reporting results, etc.) assessments. Developing state tests aligned to standards range from \$25–\$125 per student. Administering tests is an annual expense that usually runs from \$25–\$50 per student. The number of students was derived from the 1999–2000 school year enrollment statistics in grades 3–8 in each state. Since administration is an ongoing expense, it was calculated based on being implemented in the 2004–05 school year as called for in the President’s proposal and detailed in H.R. 1 and running through the remainder of the seven year reauthorization term of the Elementary and Secondary Education Act (ESEA). The estimates do not include the cost of the science assessments required in 2007–08.)

States	Students, grades 3–8	Development		Administration		Total cost—development plus administration	
		\$25	\$125	\$25	\$50	Minimum	Maximum
		Alabama	351,299	\$8,782,475	\$43,912,375	\$8,782,475	\$17,564,950
Alaska	64,019	1,600,475	8,002,375	1,600,475	3,200,950	8,002,375	20,806,175
Arizona	407,991	10,199,775	50,998,875	10,119,975	20,399,550	50,998,875	132,597,075
Arkansas	211,380	5,284,500	26,422,500	5,284,500	10,569,000	26,422,500	68,698,500
California	2,765,332	69,133,300	345,666,500	69,133,300	138,266,600	345,666,500	898,732,900
Colorado	331,605	8,290,125	41,450,625	8,290,125	16,580,250	41,450,625	107,771,625
Connecticut	262,403	6,560,075	32,800,375	6,560,075	13,120,150	32,800,375	85,280,975
Delaware	53,216	1,330,400	6,652,000	1,330,400	2,660,800	6,652,000	17,295,200
DC	31,634	790,850	3,954,250	790,850	1,581,700	3,954,250	10,281,050
Florida	1,126,261	28,156,525	140,782,625	28,156,525	56,313,050	140,782,625	366,034,825
Georgia	672,760	16,819,000	84,095,000	16,819,000	33,638,000	84,095,000	218,647,000
Hawaii	87,515	2,187,875	10,939,375	2,187,875	4,375,750	10,939,375	28,442,375
Idaho	112,786	2,819,650	14,098,250	2,819,650	5,639,300	14,098,250	36,655,450
Illinois	930,160	23,254,000	116,270,000	23,254,000	46,508,000	116,270,000	302,302,000
Indiana	462,285	11,557,125	57,785,625	11,557,125	23,114,250	57,785,625	150,242,625
Iowa	219,167	5,479,175	27,395,875	5,479,175	10,958,350	27,395,875	71,229,750
Kansas	214,838	5,370,950	26,854,750	5,370,950	10,741,900	26,854,750	69,822,350
Kentucky	292,915	7,322,875	36,614,375	7,322,875	14,645,750	36,614,375	95,197,375
Louisiana	345,366	8,634,150	43,170,750	8,634,150	17,268,300	43,170,750	112,243,950
Maine	100,617	2,515,425	12,577,125	2,515,425	5,030,850	12,577,125	32,700,525
Maryland	396,137	9,903,425	49,517,125	9,903,425	19,806,850	49,517,125	128,744,525
Massachusetts	458,740	11,468,500	57,342,500	11,468,500	22,937,000	57,342,500	149,090,500
Michigan	763,727	19,093,175	95,465,875	19,093,175	38,186,350	95,465,875	248,211,275
Minnesota	389,236	9,730,900	48,654,500	9,730,900	19,461,800	48,654,500	126,501,700
Mississippi	232,811	5,820,275	29,101,375	5,820,275	11,640,550	29,101,375	75,663,575
Missouri	418,709	10,467,725	52,338,625	10,467,725	20,935,450	52,338,625	136,080,425
Montana	73,408	1,835,200	9,176,000	1,835,200	3,670,400	9,176,000	23,857,600
Nebraska	130,074	3,251,850	16,259,250	3,251,850	6,503,700	16,259,250	42,274,050
Nevada	156,584	3,914,600	19,573,000	3,914,600	7,829,200	19,573,000	50,889,800
New Hampshire	102,346	2,558,650	12,793,250	2,558,650	5,117,300	12,793,250	33,262,450
New Jersey	577,632	14,440,800	72,204,000	14,440,800	28,881,600	72,204,000	187,730,400
New Mexico	152,283	3,807,075	19,035,375	3,807,075	7,614,150	19,035,375	49,491,975
New York	1,275,051	31,876,275	159,381,375	31,876,275	63,752,550	159,381,375	414,391,575
North Carolina	611,381	15,284,525	76,422,625	15,284,525	30,569,050	76,422,625	198,698,825
North Dakota	50,867	1,271,675	6,358,375	1,271,675	2,543,350	6,358,375	16,351,775
Ohio	848,082	21,202,050	106,010,250	21,202,050	42,404,100	106,010,250	275,626,650
Oklahoma	281,037	7,025,925	35,129,625	7,025,925	14,051,850	35,129,625	91,337,025
Oregon	256,063	6,401,575	32,007,875	6,401,575	12,803,150	32,007,875	83,220,475
Pennsylvania	845,909	21,147,725	105,738,625	21,147,725	42,295,450	105,738,625	274,920,425
Rhode Island	73,218	1,830,450	9,152,250	1,830,450	3,660,900	9,152,250	23,795,850
South Carolina	314,851	7,871,275	39,356,375	7,871,275	15,742,550	39,356,375	102,326,575
South Dakota	60,191	1,504,775	7,523,875	1,504,775	3,009,550	7,523,875	19,562,075
Tennessee	416,306	10,407,650	52,038,250	10,407,650	20,815,300	52,038,250	135,299,450
Texas	1,833,022	45,825,550	229,127,750	45,825,550	91,651,100	229,127,750	595,732,150
Utah	212,143	5,303,575	26,517,875	5,303,575	10,607,150	26,517,875	68,946,475
Vermont	48,157	1,203,925	6,019,625	1,203,925	2,407,850	6,019,625	15,651,025
Virginia	526,475	13,161,875	65,809,375	13,161,875	26,323,750	65,809,375	171,104,375
Washington	466,546	11,663,650	58,318,250	11,663,650	23,327,300	58,318,250	151,627,450
West Virginia	132,200	3,305,000	16,525,000	3,305,000	6,610,000	16,525,000	42,965,000
Wisconsin	393,473	9,836,825	49,184,125	9,836,825	19,673,650	49,184,125	127,878,725
Wyoming	42,606	1,065,150	5,325,750	1,065,150	2,130,300	5,325,750	13,846,950
Totals	21,582,814	539,570,350	2,697,851,750	539,570,350	1,079,140,700	2,697,851,750	7,014,414,550

	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006	2006–2007
Current Law	School Fails to make AYP—Year 1.	School Fails to make AYP—Year 2.	School Improvement—Year 3. New plan; 10% \$ on prof dev.	School Improvement—Year 4. (Cont'd activities)	Corrective Action—Year 5 W/hold \$ or change governance or reconstitute or other	Cont'd—Year 6	Cont'd—Year 7
Best Act	School Fails to Make AYP—Year 1.	School Improvement—Year 2. At the beginning of year 2, school must implement, w/in 3 months, a new plan that includes: 10% funds for prof dev; research-based strategies to turn around.	School Improvement—Year 3. If school is still failing to make AYP, it must, starting the next school year: continue activities from previous year; and must provide public school choice options. A district may institute corrective actions.	Corrective Action—Year 4 If school failed for 3 consecutive years to make AYP, at the beginning of the 4th year it must: institute alternative governance, or replace staff, or use a new curriculum; and with no more than 15% of Title I funds, it must provide the option for transportation for public school choice and supplemental services for the lowest achieving students.	Reconstitution—Year 5 Schools that failed for four years to make AYP must go into reconstitution which requires them to: provide supplementary services; provide public school choice with transportation; and re-open the school under new governance.	Move out of reconstitution if make progress over next 2 years or repeat reconstitution	

Mr. HOLLINGS. Mr. President, it shows the cost of this particular approach.

Then we hear Senator after Senator saying curriculum, and the other one is class size. The other one is better teacher pay. The other one is more reading after school, and on down the list of particular needs. But this Washington, one-size-fits-all, unfunded mandate says do as we say do, and go

through our \$7 billion exercise in futility. And come up with what? Let's assume it works. Let's assume that 30 or 40 schools in my State are closed. You can't go from one county to the other. You can't just waltz from Allendale over to Hampton. You would have to change the laws in South Carolina. We act like we know what is going on. We are the ones who do not know what is

going on. We are the ones who ought to be tested. Come on.

Then, of all things, as the distinguished Senator from Minnesota has been going over and over again, we have given them the test without giving them the course.

Sure, I believe in testing. We all believe in testing. But give them the course, and test them on the course.

But if you give them the women, infants, and children nutritional program, they would come into this world with strong minds. If you do not give them Head Start, which is only 30 percent covered right now, they aren't prepared to learn when they enter school. If you do not give them Title I for the disadvantaged—which we only fund at 33 percent of its authorized level—they haven't had the course. If you do not give them a prepared teacher, they don't receive quality instruction. I have had tutors go into some of the schools, and say they were rather embarrassed because the teacher spoke English poorly.

So the student hasn't had the course. But in Washington, we know what to do. We are going to mandate as much as \$7 billion in standardized tests before they have had the course. Can't we spend \$7 billion giving them the course, giving them good teachers, giving them the small classrooms, curriculum, remedial reading and math, afterschool programs, and give them a good building?

Let's take the money and assume we have had the test in effect over the past 4 years. Let's assume it proves schools are failing. So we have schools that are closed down. Let's take the closed-down or about-to-be-closed-down schools, because they are not going to do it. Let's assume they are the poor schools. We need revenue sharing. I put that first bill in on February 1, 1967. It worked well until the Senators found out that the Governors were using it to distribute money around the States to run against Senators. Senator Howard Baker and some others repealed it. But it worked.

My distinguished colleague from California, Senator BOXER, says there is no silver bullet. But there is silver money.

What they need is revenue sharing and financial assistance for all these particular endeavors that everybody has. The side-by-side amendment is curriculum. I tend to support Senator SANTORUM on that curriculum, and all the other Senators around. But let's not try to dignify this flawed approach to public education. It is just down-right pollster politics. They haven't been able to do away with the Department. They haven't been able to get tuition tax credits, vouchers, or charter schools, or in any way to divert money to the private sector.

Incidentally, I have had children that have gone to both private and public schools. I have a daughter who graduated from Woodrow Wilson High, and another one who went to Cathedral right here in the District. I know the value of both of them.

But the duty of the Congress, the United States Senators and the United States Government is to provide, as John Adams and James Madison and Horace Mann said, public education, not private. That isn't how to do it.

We cannot oversee the private schools. We cannot dictate to the private schools. We should not dictate to the private schools. But we have a duty. Do not give me this "private approach" like somehow we don't know what works or what works better. We know.

Right to the point, if we use this money, we can get something done rather than go through an exercise in futility. We are already testing in all 50 States. You can't show me a State in the United States that does not have testing. You can't do it.

What we really need to do—and I will yield to my distinguished colleague from Minnesota in a moment—is fund what works. But now that has to really be upgraded with respect to globalization, the technology that is needed in these classrooms, the good teachers and everything else of that kind. That is what we need to do.

Let's not waste money. In the last campaign in 1998, my challenger took me on before all the principals and talked about the bureaucracy in Washington—the Washington nanny, the Washington approach. That is exactly what this is. This is not helping the local schools at all. This is saying, we are putting you on trial, and you are going to have to pay for a good part of it. That is an unfunded mandate. Can you imagine such a thing really being signed by the President or suggested by a mature body such as the Senate?

I yield the floor.

THE PRESIDING OFFICER. The Senator from Minnesota.

MR. WELLSTONE. Mr. President, how much time do we have?

THE PRESIDING OFFICER. There is no time limit on this debate.

MR. WELLSTONE. Mr. President, I believe I interrupted the Senator from South Carolina. I will take a couple minutes because the Senator from South Carolina has said it better than I can.

Listening to the Senator from South Carolina, I want to say a couple things. First of all, I want to say one thing personally, which is unusual to say, but I hope people were able to listen carefully to the history behind the remarks.

There are some people in our country—I am sorry, but the Senator was so kind and gracious, I just sound like a politician engaged in flattery—there are few people I have met who I so admire. I cannot believe the people that were at the heart of the struggle in the South who took on a system of apartheid. And this Senator from South Carolina is one of them. There are very few of us who have this history—very few of us. It doesn't mean Senators have to agree with his position on this amendment. But I just wanted to say that. There are some people who showed unbelievable courage and were prophetic. And I feel that way about

Senator HOLLINGS from South Carolina.

When I was listening to the Senator from South Carolina, I was thinking to myself that actually there are a couple different issues here. On one of them, I spent so many hours I felt as if I was giving enough speeches to deafen the gods. And maybe that is what happened because I did not get a lot of votes on the amendment that meant the most to me.

There were some amendments we did on testing, I say to my colleague, that make this bill better, much, much better if, in fact, it ensures that assessments do not just become standardized, multiple choice tests, and rather include multiple, high quality measures.

Then there was the question of whether or not, if we are going to mandate—my colleague talks about unfunded mandates—that every child will be tested in every State, in every school district, in every grade, then I was praying for a Federal mandate or mission that would say that we would also have equality of opportunity for every child in our country to be able to do well in these tests, to be able to achieve.

I think part of what the Senator from South Carolina is saying is that in some ways this is utterly ridiculous. We already know the schools where kids have two and three and four teachers during a year. We already know the schools where I would argue housing is becoming a major educational issue. In some of our towns kids, little kids are moving—little children that are my grandchildren's age—two or three or four times during the year.

We already know the difference between a beautiful building, that is inviting, that tells children that we care about them versus a dilapidated, crumbling building that tells children that we don't care about them.

We also know of the schools where there are toilets that work and computer technology and buildings that were warm this winter and are not stifling hot in the summer. We know that that works. As a matter of fact, most Senators can look at where their children have gone to school, and they know what works.

We already know that the smaller class sizes are good. We already know that support services for teachers are really important, whether it be more counselors, whether it be additional teaching assistants to help children read or to do better in reading or to do better in math. We already know it all. I think that is part of what the Senator is saying.

So this amendment says, if a State chooses, in its wisdom, to say, we don't really need to do this, but we would certainly make use of this money to help the children, to help our kids, to help our schools, to help our teachers, we leave it up to the States to do so.

Is my understanding correct?

Mr. HOLLINGS. Right.

Mr. WELLSTONE. Mr. President, I only have two more points to make, one point I have not made in this Senate Chamber but I have been thinking about this and thinking about this and thinking about this to the point where I just don't even know how to decide how to vote. A large part of me wants to vote against this bill. On the other hand there are strong improvements in the bill—most particularly mandatory funding for the IDEA program. That is really important. That will help a lot of our schools, I say to Senator HOLLINGS. It really will.

But the other side of the coin is clear. I have asked a question of some of my friends who are more conservative than I. There are a number of Senators who may be more conservative than I. But I have asked them: How do we get to this point where the Federal Government is now going to mandate—first of all, the NAEP test every year. Despite NAEP's high quality these are still new tests that every State is going to have to do.

Seven years ago we started some testing under Title I, but we have not even gotten the results on that testing authorized in 1994. We have not begun to evaluate whether or not that testing has had a positive impact on student learning. But now we are going to move ahead and test every child every year.

We have the Federal Government now telling school districts—which I always thought was the heart of the grassroots political culture in America—that it doesn't matter what you have decided you need to do. It doesn't matter how you think you can be most accountable. We, the Federal Government, are telling every school district in every State, you will test every child in the third grade, the fourth grade, the fifth grade, the sixth grade, the seventh grade, and the eighth grade. I do not know whether the Fed-

eral Government has any business doing that.

I am amazed, frankly, that there is not more opposition. It would seem to me a good conservative principle would be that this is an overreach.

Now people could turn around and say to me: Well, you, of all people, Senator WELLSTONE but, for me, when it comes to civil rights or when it comes to human rights or when it comes to the first amendment or when it comes to a floor beneath which no poor child should fall or when it comes to basic educational needs of children or that children should not go hungry, I do not think that is up to a State to decide. To me, we, as a national community, should say, no, we all live by these rules, these values.

But the other part of me is a decentrist. I do not know whether I really believe the Federal Government has any business telling every school district in every State they have to do this. I think we can very well rue the day that we voted for this.

On that philosophical point, as well as on the question of how we are setting a lot of kids and teachers in schools up for failure because we have not committed the resources to make sure they will all have the opportunity to learn, it seems to me this amendment speaks of that. That is why I rise to support it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am obviously very grateful for the more than laudatory, exaggerated remarks. We are good friends. We are working the same side of the street.

Let me emphasize, with respect to our minority schools, endeavors have been made there. In 1950-51 in South Carolina, we passed a 3-percent sales tax that I authored. We were trying to play catchup ball. When we increased the sales tax, under Governor Riley, to 5 percent, we were supported by the

Black Caucus. I want to emphasize that we were opposed at the time by the Chamber of Commerce, the South Carolina Association of Textile Manufacturers, and the other business groups.

Minorities know there is one way to really try to catch up and get a piece of this American dream. That is public schools, public education. Wherever you can give them the support and the means to really implement it, they support public education. I did not want to infer, when I talked about my Allendale school, that they were not for it. In fact, I have other reports in here, with which I will not belabor the Senate, on the tremendous improvements already made in the takeover of that particular school. We have worked year in and year out, and we still are trying our best.

One of the things that goes into the calculation is the quality of the teacher. If you go to the institutions of higher learning in this country, public and private, the education degree, in large measure, is to take care of the football team. If you have a big, old, hefty 280-pounder who is not too quick upstairs but very quick with his legs and everything else downstairs, then you put him in education. Let him get into an education major. I have discussed this with college presidents. We have been into every facet of this thing.

The one big waste is this bill. It is a tremendous waste of time and money. It should not be. Yes, I agree on the disabilities provisions in there. All of us are frustrated because we all know about the needs. We have been pointing out different needs. So we should address these needs directly instead of creating costly tests that tell us what we already know.

Mr. President, I ask unanimous consent that the documents I referred to be printed in the RECORD.

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

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3-8 tests	New tests required	Revenue sharing proceeds
Alabama	\$4,000	B	B	B	B	B	B	12	0	\$6,918,844
Alaska	3,500	B	B	B	B	B	B	10	2	3,714,151
Arizona	4,800	B	B	B	B	B	B	12	0	7,551,260
Arkansas	3,200	B	B	B	B	B	B	10	2	5,358,006
California	44,000	B	B	B	B	B	B	12	0	33,848,095
Colorado	10,700	R	R	B	B	B	B	10	2	6,699,152
Connecticut	2,000	B	B	B	B	B	B	6	6	5,927,183
Delaware	3,800	B	B	B	B	B	B	6	6	3,593,640
Florida	22,400	B	B	B	B	B	B	12	0	15,563,774
Georgia	14,000	B	B	B	B	B	B	10	2	10,504,837
Hawaii	1,400	B	B	B	B	B	B	6	6	3,976,256
Idaho	700	B	B	B	B	B	B	12	0	4,258,161
Illinois	16,500	B	B	B	B	B	B	6	6	13,376,210
Indiana	19,000	B	B	B	B	B	B	6	6	8,156,926
Iowa	0	B	B	B	B	B	B	4	8	5,444,873
Kansas	1,100	B	M	R	B	M	R	4	8	5,396,581
Kentucky	8,100	B	R	M	B	R	M	8	4	6,267,553
Louisiana	9,000	B	B	B	B	B	B	12	0	6,852,660
Maine	3,300	B	B	B	B	B	B	4	8	4,122,412
Maryland	17,100	B	B	B	B	B	B	12	0	7,419,025
Massachusetts	20,000	R	B	B	M	B	R	7	5	8,117,380
Michigan	16,000	B	B	R	B	R	R	5	7	11,519,600
Minnesota	5,200	B	B	B	B	B	B	6	6	7,342,043
Mississippi	7,600	B	B	B	B	B	B	12	0	5,597,075
Missouri	13,400	R	M	B	B	R	M	4	8	6,670,823
Montana	282	B	B	B	B	B	B	4	8	3,818,888
Nebraska	1,650	B	R	B	B	B	R	2	10	4,451,014
Nevada	3,300	B	B	B	B	B	B	8	4	4,746,741

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3-8 tests	New tests required	Revenue sharing proceeds
New Hampshire	2,500	B			B			4	8	4,141,700
New Jersey	17,000		B				B	4	8	9,443,656
New Mexico	650	B	B		B	B	B	12	0	4,698,762
New York	13,000		B				B	4	8	17,223,571
North Carolina	11,300	B	B	B	B	B	B	12	0	9,820,136
North Dakota	208		B				B	6	6	3,567,436
Ohio	12,300		B		B			4	8	12,460,605
Oklahoma	2,500	B			B		B	6	6	6,135,051
Oregon	7,000	B					B	6	6	5,856,458
Pennsylvania	15,000			B	R		B	5	7	12,436,365
Rhode Island	2,300	R	B			R	B	6	6	3,816,768
South Carolina	7,800	B	B	B	B	B	B	12	0	6,512,256
South Dakota	720		B	R			B	5	7	3,671,448
Tennessee	15,600	B	B	B	B	B	B	12	0	7,644,016
Texas	26,600	B	B	B	B	B	B	12	0	23,447,902
Utah	1,400	B	B	B	B	B	B	12	0	5,366,518
Vermont	460		B				B	4	8	3,537,206
Virginia	17,900	B	B	B	B		B	10	2	8,872,984
Washington	7,700	B	B		B	B		8	4	8,204,458
West Virginia	400	B	B	B	B	B	B	12	0	4,474,730
Wisconsin	2,000	R	B				B	5	7	7,389,308
Wyoming	1,700		B				B	4	8	3,475,283
Total	422,070							387	213	390,409,780

Note.—B=Tests in Reading and Math; M=Tests in Math; R=Tests in Reading.

STATEWIDE FOCUS ON SCHOOL IMPROVEMENT  
 PRODUCES A YEAR OF IMPROVING TEST SCORES  
 (By Inez M. Tenenbaum)

The end of a school year is always an exciting time. We take time to review the year behind us and immediately begin to plan for the one ahead. The school year just ending has been marked by the most significant student test score improvements in the history of South Carolina's public school system. Indeed, we are well on our way to forever putting to rest the misguided perception that our students and schools cannot succeed. Clearly, they can.

South Carolinians should take pride in the progress we are making. Consider these successes from the past year:

Students made significant and in some cases dramatic improvements in the latest round of PACT testing, with gains reported across all grade levels, subjects and demographic groups.

Scores of South Carolina High School Exit Exam rose nearly three points, the largest gain in a decade.

South Carolina high school seniors raised their average SAT score by 12 points, the largest gain in the country and four times the national increase. In addition, South Carolina high school juniors improved their performance on the Preliminary SAT by 5.2 points, nearly four times the national increase of 1.4 points.

Scores of South Carolina high school seniors taking the ACT college entrance exam rose from the previous year while sophomores who took PLAN—the preliminary ACT—scored one-tenth of a point higher than the national average.

Our fifth-, eighth- and 11th-graders scored above the national average in reading, language and math on TerraNova, a nationally standardized test of reading, language and math skills.

South Carolina eighth-graders met or exceeded the international average in the Third International Math and Science Study, which compared test scores from students in 38 nations.

An analysis by the nonprofit RAND organization of improvements in student reading and math test scores ranked south Carolina 17th among the states.

For the fifth consecutive year, the number of South Carolina first-graders scoring "ready" for school set a new record. More than 43,000 first-graders—a record 85.2 percent—met the state's readiness standard. That was a 13 percentage-point improvement from 1995, the year before the state began a

three-year phase-in of full day kindergarten. The biggest improvements were by minority students and students from low-income families.

In the midst of these test score improvements, the national report card "Quality Counts 2001," published by the respected national magazine Education Week, recognized South Carolina's efforts to improve teacher quality and raise academic standards, South Carolina was ranked among the top six states in the nation in both categories.

This report was especially significant, because I believe that a major reason for South Carolina's success has been our dramatic raising of academic standards. By setting the bar so high, and by creating the extremely rigorous PACT tests to measure our progress, we have challenged our students and schools—and they have responded.

I do not mean to suggest that the struggle to build a world-class school system in South Carolina has been won. Although it's true that we have schools in our state that are as excellent as any in the nation, we also have schools that struggle to provide their students with even the most basic education.

This November, South Carolina's first school report cards will be published under the mandate of the Education Accountability Act of 1998. Many schools will have their excellence confirmed, and others will be identified as needing extensive assistance. As State Superintendent of Education, I can assure you that these schools will get that assistance.

But as we await November's report cards, let's remember the amazing accomplishments of the school year that's now ending. Our progress is real, and it is undeniable. South Carolina educators, students, parents, businesses, and communities are proving every day that focus and hard work pay off.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that an article in today's Washington Post, "From Teachers to Drill Sergeants," be printed in the RECORD.

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

[From the Washington Post, June 12, 2001]

FROM TEACHERS TO DRILL SERGEANTS

(By Jay Mathews)

I have watched hundreds of teachers over the last two decades and am sure of one

thing: I couldn't last two days in their jobs. After the first day, my throat would be sore, my legs wobbly and my energy level needle pointing below empty. That night I would fall asleep trying to make a new lesson plan. The next morning I would call in sick, making it clear I had an incurable, terminal illness.

So it is unbelievably presumptuous of me to write columns and give speeches on how to make schools better. I regularly remind myself, and anyone who might be listening, that when it comes to talking about education, I am just a balding, 5-foot-6-inch playback machine. The thoughts are not mine, but those of the many educators, as well as students and parents, who have patiently explained to me over the years what is going on, and why.

I am always amazed that such smart and busy people have time for me. That is especially true these last few weeks. Scores of readers have responded to the request in my May 22 column for a precise accounting of how the new state achievement tests affect teaching. I now have a much deeper appreciation of what the tests—and administrators' ill-considered reaction to them—have done to many schools.

Only about half of the teachers who wrote me said they had been forced to change their teaching, but that is because in many cases they refused to alter what was working for their students. "My philosophy has long been, continues to be, and . . . will continue to be largely the test," said Al Dieste, who teaches at-risk middle schoolers at Springfield Community Day School, a public school in Columbia, Calif. "I teach; the test be damned."

Lisa Donnemoyer, a kindergarten to eighth grade science specialist in Easton, Md., said "a rich, interesting classroom is more likely to produce students who do well on the test than a classroom where the teacher employs the 'drill and kill' method."

But in many cases, teachers said, administrators made it very difficult to do the right thing.

At one Fairfax County high school, non-honors students were dropped from in-class National History Day essay writing activities so they would have more time to study for the Virginia Standards of Learning (SOL) tests, even though some non-honors students had won previous district competitions.

Hewitt, Tex., high school teacher Donna Garner resigned in protest when her popular program for teaching the lost art of grammar was banned because it conflicted with

the step-by-step schedule for preparing for the Texas Assessment of Academic Skills (TAAS) tests.

A third-grade teacher in Fort Worth, said her principal asked her if she had designated as many students as possible for special education classes so they would be exempt from the tests and make the school average higher.

Raymond Larrabee was told his son's eighth-grade honors English class would not have time to read all of Charles Dickens' "David Copperfield" because there were too many topics to cover for the Massachusetts Comprehensive Assessment System (MACAS) test.

A Florida principal told a novice teacher that her wide-ranging discussions of the possible answers to sample test questions was a waste of time. Just tell them which answers are correct, she was told.

Doug Graney, a history teacher at Herndon High School in Fairfax, and a recently retired Arlington teacher who asked not to be identified, dropped their engaging approach to U.S. history because of the SOLs. They had been starting with post World War II history, stimulating family discussions about events their students' parents and grandparents had witnessed. Then they went back to colonial days to show how it had all started.

The e-mails illuminated two problems that I think all sides in the testing debate would acknowledge. First, some states may be demanding that teachers cover too much, ensuring once-over-lightly instruction. Second, many principals, moved by blind panic or cross-town rivalry, are demanding more test prep—taking practice tests, learning testing strategies, memorizing key essay words—than is necessary or useful.

Problem one is something for state school boards and superintendents to ponder. Problem two is, at least in part, something that teachers can do something about.

Okay. I know. I am the coward who lacks the fortitude to even try teaching. But I think many educators are right when they say that too many of their colleagues are obeying their principals rather than their principles.

Even pointy-headed, fire-breathing managers will back off if key employees tell them results will only come if they butt out. That takes gumption, but it is worth a try.

Gerald Gontarz, a sixth-grade science and social studies teacher in Plymouth, NH., drops raw chicken eggs from airplanes and sends up hot air balloons to involve kids in his lessons. "Much of the time I spend on this stuff will not help my students take the test," he said. But "it really turns them on, and honestly, there is no state test that measures students' motivation."

Kenneth Bernstein, a ninth-grade social studies teacher in Prince George's County, stated what should be the teacher's creed: "I will not object to testing if you will allow me to get my kids ready the best way I can, and not also mandate the specific steps of instruction, for then I cannot teach the individual child."

I sensed some teachers are having second thoughts about groveling before the testing gods. Graney, for instance, told me in a follow-up e-mail that he plans to return to his reverse approach to U.S. history.

The results are still important. A teacher should be able to raise his class's overall achievement level a significant amount from September to April or May. Some students will falter because of unhappy home lives or test anxiety or other factors beyond a teach-

er's control, but on average there should be progress. If there isn't, I don't think the teacher can blame the test.

Many educators will object to this. They say the tests are too narrow and their own assessments of each child should be enough. In many cases, they are right, but parents cannot stay in the classroom all year making certain of this. I don't think I will ever be comfortable without an independent measure of how my child and her school are doing, and I think the vast majority of parents feel the same way.

I think we can agree on one thing: Principals and superintendents should not force good teachers to turn themselves into drill sergeants if there are better ways to teach the material. Administrators should set the goals and let their teachers decide how to meet them, then find ways to help those teachers who do not measure up.

Most principals already do that, but since so many of them are portrayed as clumsy villains by my e-mail correspondents, they deserve a chance to defend themselves. My e-mail address is mathews@washpost.com. How many of you administrators are telling your teachers to fill their class time with practice tests? Are you sure that is the best way to go?

Mr. WELLSTONE. This is a piece Jay Mathews wrote. I want to give some examples from this article. There is one thing he mentions that is really important:

I have watched hundreds of teachers over the last two decades and am sure of one thing: I couldn't last two days in their jobs. After the first day, my throat would be sore, my legs wobbly and my energy level needle pointing below empty. That night I would fall asleep trying to make a new lesson plan. The next morning I would call in sick, making it clear that I had an incurable, terminal disease.

Then the article gets much more serious. Part of the insulting assumption of this legislation is that the teachers in this country don't want to be held accountable, that we now have to do the tests to show that they really are not doing their job.

There are, of course, teachers you will find who subtract from children, but many of them are saints. And I doubt that there is one Senator who condemns these teachers who could last an hour in the classrooms they condemn. If you go and visit schools, teachers are talking about other issues: What happens to children before they get to school; the whole question of kids who come to kindergarten way behind. They are talking about the lack of affordable housing, children who are coming to school hungry today in America, class size and all of the rest of it. That is what they are talking about. But our response is to go to these tests and to assume that somehow, once children are tested, everything will become better.

I want to give some examples Jay Mathews gives today, about the effect that an over-reliance on testing can have on the classroom. He writes:

Lisa Donmoyer, a kindergarten to eighth grade science specialist in Easton, Md., said "a rich, interesting classroom is more likely

to produce students who do well on the test than a classroom where the teacher employs the 'drill and kill' method."

But in many cases, teachers said, administrators make it difficult to do the right thing.

Hewitt, Tex., high school teacher Donna Garner resigned in protest when her popular program for teaching the lost art of grammar was banned because it conflicted with the step-by-step schedule for preparing for the Texas Assessment of Academic Skill (TAAS) tests.

A third grade teacher in Fort Worth said her principal asked her if she had designated as many students as possible for special education classes so they would be exempt from the tests and make the school average higher.

Raymond Larrabee was told his son's eighth grade honors English class would not have the time to read all of Charles Dickens' "David Copperfield" because there were too many topics to cover for the Massachusetts Comprehensive Assessment System (MCAS) test.

A Florida principal told a novice teacher that her wide-ranging discussion of the possible answers to sample test questions was a waste of time. Just tell them which answers are correct, she was told.

Doug Graney, a history teacher at Herndon High School in Fairfax, and a recently retired Arlington teacher who asked not to be identified, dropped their engaging approach to U.S. history because of the [Virginia standard of learning test]. They had been starting with post World War II history, stimulating family discussions about events their students' parents and grandparents had witnessed. Then they went back to colonial days to show how it all started.

So I just want to issue this warning, about where I am afraid we are heading: I think in the absence of the resources and with the overreliance on tests that is emerging, what we are going to have is, as one teacher put it so well to Jonathan Kozol, you are going to have great teachers living in "examination hell." A lot of the really good teachers are going to get out. In fact, they are now. Some of the really great teachers are just refusing to be drill instructors, teaching to tests, tests, tests. They are leaving. This is the opposite direction from where we should be going.

It is very much the case that the best teachers are the ones who are not going to want to be teaching to these tests. And frankly, some of the worst teachers can do it.

When I am in schools, and I have been in a school about every 2 weeks for the last 10 and a half years I ask the students, when we get into a discussion of education: What do you think makes for a good education? You are the experts. Before class size, before technology, before anything else, they say: Good teachers.

Then I say: What makes for a good teacher? I never hear students say: Well, the really good teachers are the teachers who teach to worksheets. The really good teachers are the teachers who basically have us memorizing all the time and then regurgitating that

back on tests. They talk about teachers who spend time with them, teachers who fire their imagination, teachers who don't just transmit knowledge but basically empower them to figure out how to live their lives. They talk about teachers who get the students to connect personally to the books that are being discussed, to the ideas that are being discussed, to how those ideas affect their lives. That is what they talk about.

That is not the direction we are going, not with what we are bringing down from the Federal Government, top-down to school districts all across our land. Again, that is why this amendment is so important.

I thank my colleague for the amendment. I am proud to support him.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1 on Wednesday, June 13, at 9 a.m. with 40 minutes for closing debate on the Santorum amendment No. 799 and the Hollings amendment No. 798 concurrently, with 20 minutes each prior to votes in relation to the amendments, with no second-degree amendments in order prior to the votes, and that the Santorum amendment be voted on first. Further, I ask that following disposition of the Santorum and Hollings amendments, Senator LANDRIEU be recognized to call up her amendment No. 474, with 30 minutes for debate in the usual form prior to a vote in relation to her amendment, with no second-degree amendments in order; further, following disposition of the Landrieu amendment, Senator DODD be recognized to call up his amendment No. 382 regarding 21st century afterschool programs, with 2 hours for debate prior to a vote on a motion to table the amendment, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we are moving along very well. This has been a difficult day. We have a number of other amendments to which we think we can go quite rapidly. I think with luck we can finish this bill on Thursday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 519, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the previously agreed to Bingaman amendment No. 519 be modified to reflect a correction in a numerical error in the amendment.

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

The amendment, as modified, is as follows:

On page 577, line 2, strike the double quote and period.

On page 577, between lines 2 and 3, insert the following:

#### “SEC. 4304. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.

“(a) CENTER.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the ‘School Security Technology and Resource Center’.

“(b) ADMINISTRATION.—The center established under subsection (a) shall be administered by the Attorney General.

“(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$4,750,000 for each of the fiscal years 2002, 2003, and 2004, of which \$2,000,000 shall be for Sandia National Laboratories in each fiscal year, \$2,000,000 shall be for the National Center for Rural Law Enforcement in each fiscal year, and \$750,000 shall be for the National Law Enforcement and Corrections Technology Center Southeast in each fiscal year.

#### “SEC. 4305. LOCAL SCHOOL SECURITY PROGRAMS.

“(a) IN GENERAL.—

“(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology and Resource Center.

“(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary

may require, including information relating to the security needs of the agency.

“(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

“(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of”.

#### NATIONAL AIRBORNE DAY

Mr. DOMENICI. Mr. President, I rise in support of Senate Resolution 16 designating August 16, 2001, as National Airborne Day. It is only too appropriate that Senator THURMOND lead the charge for designating one day annually on which we recognize the contributions of our airborne divisions in the military.

The greatest amphibious invasion in military history was at Normandy. On June 6, 1944, under the leadership of General Eisenhower, an invasion force of over 2.8 million military members, including 1,627,000 Americans gathered in Southern England. These forty-five divisions included Americans, Brits, Canadians, French and Poles fighting alongside one another.

Among those forty-five divisions were 13,000 paratroopers from the 82nd and 101st Airborne Divisions. These paratroopers and glider troops began their assault at 1:00 a.m. on June 6. They were spread out over 50 miles between the Cotentin Peninsula and the Orne River. Met with ferocious and lethal German resistance, by the end of the day the 101st had suffered 1,240 casualties, and the 82nd lost 1,259 men. Then 41-year-old STROM THURMOND survived and went on to win five battle stars.

We suffered heavy casualties in those first hours of fighting on the coasts of Northern France. U.S. casualties alone totaled 6,603 men. However, D Day marked the first step in our push toward victory in Europe. Not only does D Day mark the beginning of the end of the tyrannical forces unleashed on the Western European continent in the 1930s, it represents the beginning of many decades of struggle to reconstruct democratic and free Nations from the rubble of World War II.

This week we celebrate the 57th Anniversary of D-Day. I stand to recognize the valor of that greatest generation who persevered to protect our freedom. Undeniably, the airborne forces played a vital role in achieving victory. The Airborne divisions that fought on D-Day are still represented in today's Army, with the 82nd in Fort Bragg, NC, and the 101st in Fort Campbell, KY.

In the last sixty years, our airborne forces have performed in important