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## Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

### PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by guest Chaplain Rev. Michael V. Kelsey, Sr., New Samaritan Baptist Church, Washington, DC. We are pleased to have you with us.

The guest Chaplain, Rev. Michael V. Kelsey, Sr., New Samaritan Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

Father, we thank You for this day and for this Nation. We pray and intercede for the men and women who are in positions of authority. We hold them up before You, that the Spirit of wisdom and discernment may rest upon each of them as they seek to do what is blessed in Your sight and right for Your people.

God, may the hearts and ears of these Senators be attentive to Your divine order. We believe You cause them to be men and women of integrity who lead with compassion and commitment, competence and character.

Your Word, O God, declares, "Blessed is the nation whose God is the Lord."—Psalm 33:12. And God, we expect to receive Your blessing as the ultimate One who can guide and govern the affairs of this Nation.

Thank You for this land and the leaders You have given to us. We say discretion watches over them; understanding keeps them; and godliness surrounds them.

May the words of their mouths and the meditations of their hearts be acceptable in Your sight, O Lord, our Strength, and our Redeemer.—Psalm 19:14. This is our prayer, in the name of the Lord.

Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, the Senator from Pennsylvania, is recognized.

### THE GUEST CHAPLAIN

Mr. SANTORUM. Mr. President, I, too, want to welcome Reverend Kelsey today and thank him for his inspirational prayer. He is one of the truly distinguished leaders of the church community here in Washington, DC.

Welcome back to Washington. You have been away for a while. It is good to have you back here, and it is terrific to have you here in the U.S. Senate.

Thank you for being here today.

Mr. KENNEDY. Mr. President, I join my friend, the Senator from Pennsylvania, in welcoming our distinguished guest Chaplain. I thank him very much for his presence and for his inspiring message to all of us. We are very grateful to him for joining us here today.

We thank him very much for all the good work that he does and continues to do for his parishioners.

### SCHEDULE

Mr. SANTORUM. Mr. President, this morning the Senate will be in a period of morning business until 12:30 p.m. Under the previous order, Senator DURBIN, or his designee, will be in control of the time between 10:30 and 11:30 a.m., and Senator FRIST, or his designee, in control from 11:30 to 12:30 p.m.

Following morning business, the Senate will recess until 2:15 p.m., to allow the weekly party caucuses to meet. Upon reconvening at 2:15, the Senate will resume consideration of S. 280, the education flexibility partnership bill, for debate only, until 4 p.m., at which time the Senate will vote on the motion to invoke cloture on the Jeffords substitute amendment. Senators are reminded that, pursuant to rule XXII, second-degree amendments must be

filed by 3 p.m. in order to qualify postcloture.

### MEASURES PLACED ON THE CALENDAR—S.J. RES. 13 AND S. 564

Mr. SANTORUM. Mr. President, I understand there are two bills at the desk due for their second readings.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 13) proposing an amendment to the Constitution of the United States to protect Social Security.

A bill (S. 564) to reduce class size and for other purposes.

Mr. SANTORUM. Mr. President, I object to further consideration of the measures at this time.

The PRESIDENT pro tempore. The measures will go to the calendar.

Mr. KENNEDY addressed the Chair.

The PRESIDENT pro tempore. The able Senator is recognized.

### THE DEATH OF ALBERT MURRAY, FATHER-IN-LAW OF SENATOR PATTY MURRAY

Mr. KENNEDY. Mr. President, I want to take just a moment of the Senate's time to share with our family in the Senate a rather sad occasion that has taken place. Last evening, at about 7:15, after we had recessed, I had a call from our friend and colleague from the State of Washington, Senator MURRAY, the principal proponent of our smaller class size amendment, who told me that her father-in-law had passed away yesterday. She had been on the floor all day. She returned after a very full day here on the floor leading us in this discussion on the question of smaller class size to learn that her father-in-law, Albert Murray, at the age of 80, had passed on. He had been a small business man for many years. He lived in Seattle and was very much involved in the community in a range of different activities to ensure that that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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community was going to be a better community.

The Murray family is a very close-knit family. They are an extended family. I had the opportunity to meet many of them at the time Senator MURRAY was initially sworn in here to the U.S. Senate.

She left last evening to return to the State of Washington to be with members of the family. I know all of us send our thoughts and prayers to Senator MURRAY, her husband Rob, and the entire Murray family. We are thinking about her and are mindful of her loss.

Mr. President, I yield myself such time that I might use.

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

#### EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. KENNEDY. Mr. President, today we will vote again on whether to end this debate on education—prematurely, I believe—or do our part to help communities meet critical educational needs. After a very limited 2-day debate on education last week, the majority leader filed cloture to end debate on the bill. The next day he filed the same cloture motion to force a second vote on whether to end the debate. The first cloture motion was defeated yesterday; the second cloture motion will be defeated today. I believe we should stop playing procedural games and vote on amendments that are critical to communities across the Nation.

Republican intentions are clear. They do not want a debate on education. They do not want a vote on the critical educational issues facing the Nation's communities: reducing class size, recruiting more teachers, expanding afterschool programs, bringing technology into the classroom, reducing dropout rates, modernizing school buildings. And there is a shared responsibility in all of these areas between the local communities, the States, and the Federal government as well. Parents and communities have a central concern about ensuring that their children are going to be adequately trained as they move towards the new century.

We have an opportunity to do something about it, and we have, as we have demonstrated over the course of this debate, compelling evidence that each of these particular programs can really make a difference in children's achievement and growth, scholastically, in their local communities. No bill on the Senate calendar right now concerns more important issues than education.

These issues are important and timely. We start off this session with a very thin calendar. We have the time and we have the ability, as we have said on a number of different occasions. Under the leadership of Senator DASCHLE on this side of the aisle, we are prepared to agree to a small number of amendments with strict time limits that

could ensure a speedy conclusion to those amendments, even, probably, during the day today. We can all work together to reach a bipartisan consensus on education now, because the Nation's schools and children cannot.

Some Republicans insist that they won't agree now to any amendments which affect the Elementary and Secondary Education Act, but that position is untenable. The pending Ed-Flex bill directly affects the largest ESEA program, title I. It also affects a number of the other programs included in the Elementary and Secondary Education Act—the Education Technology, the Eisenhower Professional Development, and the Safe and Drug Free Schools programs. Yet we are now considering Ed-Flex long before it is ready for action.

We should also be able to consider other vital education issues, too. Ed-Flex is a good idea, because it gives States more flexibility in implementing Federal programs. It makes them accountable for how well Federal aid is used to improve the schools. It goes back to the initiative of our good friend from the State of Oregon, Senator Hatfield. I joined him in offering the initial Ed-Flex in 1994. I offered it as an amendment to Goals 2000, to permit another group of States to do so. I know this program. I support this program.

We have strong support for the Ed-Flex concept on this side of the aisle as well as the other side of the aisle. We want to make sure, when we provide scarce resources, that the local communities, when they get the scarce resources, are able to show how the changes in the education programs will enhance student achievement. That is what we are interested in. Families are interested, local communities are, States are; we should be as well. We are trying to give the assurance to families across the country that accountability would be a part of Ed-Flex.

Ed-Flex, as I mentioned, is a good idea, but flexibility and accountability mean little if we do not give communities the support they need to implement school reform strategies that work. If you take the time to read the General Accounting Office review of Ed-Flex, what springs out at you is what the GAO report stated was the greatest desire for the local communities. What they asked for was additional funding for education programs. That makes sense. Second, they wanted to know if there were other opportunities to enhance academic achievement. Third, they were looking for help and assistance in how to run their schools more efficiently and effectively.

Those are pretty reasonable ideas and ones that I think all of us can understand. That is what they were looking for, and we are attempting to try to assist with these other ideas that different Members have talked about over the period of the past few days to try to help the local communities.

Last year, with broad bipartisan support, the Congress made a substantial investment in improving the Nation's public schools. We increased funding for IDEA by \$500 million. We increased funding for afterschool programs by \$160 million. We increased funding for title I by \$300 million. And we made a \$1.2 billion investment in reducing class size in the early grades. Those were done with bipartisan support, including the commitment to reduce class size, the amendment that Senator MURRAY has championed in the Senate not only this year but last year as well.

Much more remains to be done. Good ideas to improve education deserve our strong support. We need to do more to help communities hire additional teachers and reduce class size. We need to support State efforts to raise academic standards and support communities and teachers who are helping children meet those standards. We need to modernize school buildings and repair crumbling facilities. We had the GAO report which estimated it will cost \$120 billion just to bring classrooms across this country up to standards. Many communities in urban and in rural areas just cannot afford to take on that particular challenge themselves. We have ideas about how we can assist local communities, not with a handout, but to help them ease the kinds of financial pressures on that local community in order to bring their school buildings and classrooms up to speed.

That is a very important concept, partly because without doing so it is more difficult for the children to learn. We find even in the city of Boston that when the temperature goes down to 15 to 20 degrees, 15 schools close down because their heating systems are not adequate. Automatically, 15 schools close down. There is an effort being made in the local community—the greatest increase in a school budget in terms of education, I think, of any major urban area in the country—but still it is taking time.

We can help in this area. It is not only important in terms of the physical facility, it is important in the message we send to the children. Every parent, when they see their child go off in the morning, is talking to that child about paying attention during the course of the day, working hard, doing his or her homework, getting extra help and assistance if it is needed. Every parent is to instill in them the value and the importance of education. But if the child walks into a classroom and it is dilapidated and not functioning or does not have an electronic system to hook up the various new kinds of technology, we are sending a very powerful, very simple message to those children. The parents may be talking about the value and importance of education, but we, as a society, are not prepared to put the resources into it to ensure that those children will go to a first-rate school. That is the message, and that is powerful.

That is happening every single day in communities all across this country—certainly in many of the older communities and in many of the poorer rural communities across this country—where we do not have the kind of facilities that all of us would hope we might have for the children of this country. It is a very important message, and we are attempting to do something about it. We are not going to answer the whole problem, but we are going to offer a helping hand for local communities. Trying to provide some help and assistance in terms of school construction makes a good deal of sense.

Much more remains to be done. Good ideas to improve education deserve our strong support. We need to do more to help communities hire additional teachers, reduce class size, support State efforts to raise academic standards, and support communities and teachers who are helping children to meet those standards.

We talk about content standards. An increasing number of States have adopted content or performance standards. That is very important, so that parents will know what their children are learning and how they are doing. We need to end social promotion, but, when we do that, we are going to make sure there will be the kinds of support facilities out there for children who have not been able to keep up, to keep them from falling further behind.

We have different examples of where that is taking place—in Chicago, where children who are falling behind are getting extra assistance during the school day, or even after school, or over the course of the weekend, or during vacations, or during the summer—maintaining high standards for children, but also trying to get assistance for those children who need it. It makes sense. That is what we are trying to bring attention to.

We need to modernize the buildings, as I mentioned. We need to expand the afterschool programs—for the 7 or 8 million children between the ages of 8 or 9 and 14 who go home in the afternoon to empty houses, who may spend their time watching television, if the parents are fortunate, or otherwise involved in antisocial behavior, if they are not—to try to develop programs that are going to work with the schools or with nonprofits.

We have different ways of approaching this, modest amounts of resources in the President's budget to try to do so. We can encourage those children to be involved in afterschool programs, to enhance their academic ability and achievement and perhaps give those children a chance to spend some quality time with their parents. Rather than the parents coming home, finding the child has been watching television, and saying, "Go up to your room to do your homework," parents can provide the kind of climate and atmosphere which is going to be profamily.

This is a profamily issue, Mr. President. We have seen the amount of suc-

cess that it has. Last year, when we had \$40 million in afterschool programs, we had \$500 million in applications. That is from the local communities. What we are doing now is trying to build that up to cover more than a million children, and that will send a ripple all across this country to develop after school programs. We do not intend to do all that is required in terms of after school, but we can demonstrate, by the success of these programs, how they have impacted children and families to build the kind of local support for the enhanced programs.

Mrs. BOXER. Will the Senator yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mrs. BOXER. Thank you, I say to the Senator.

I am so pleased he is talking about afterschool programs. I am so disappointed at this point we cannot offer our amendment which would, in fact, accommodate, as the Senator pointed out, more than a million children in afterschool quality programs.

I ask the Senator if he was aware of the relationship to the crime issue, juvenile crime, that we have been told by the FBI that the highest incidents of crime occur at 3 o'clock. And we have tremendous support for this afterschool amendment from the police athletic leagues all across this country and the police officers because when you have quality afterschool programs, it not only improves the education of children—and they do much better as they have done in afterschool programs throughout California—but also the police athletic leagues tell me they see a 75-percent reduction in crimes. So I ask the Senator if he could comment on the impact these afterschool programs have on reducing juvenile crime.

Mr. KENNEDY. The Senator is absolutely correct. Perhaps the Senator wants to put in the RECORD the excellent letter that has been sent to all of us from some 450 police chiefs, sheriffs, prosecutors, and leaders of police organizations in strong support of your amendment for the after school program. It reviews what has been happening in local communities to demonstrate their reasons for their strong support. Just as the Senator has mentioned, it has had an important and significant positive impact on reducing juvenile crime.

I can tell you in Boston, MA, we went 2½ years without a youth homicide—virtually unheard of for any major city of this country. And if you talk to Paul Evans, who is our police chief up there, the first thing he will talk to you about are the after school programs. He will talk about other programs in terms of trying to penetrate gangs, and he will talk about working with teachers and social service offices in terms of identifying the real trouble makers, and a variety of different other efforts, but he will lead off his list with the after school programs. It is just as the

Senator has stated. This has an important, positive impact in reducing juvenile crime.

We are talking about preventing antisocial behavior, whether it is in terms of crime, or more dangerous kinds of activity, namely juvenile violence. This is very important.

Mrs. BOXER. I thank my colleague for speaking out on these issues today. And, yes, I ask unanimous consent the letter Senator KENNEDY mentioned be printed in the RECORD.

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

FIGHT CRIME  
INVEST IN KIDS

*Washington, DC, March 4, 1999.*

Re: Anti-Crime Amendment to Educational Flexibility Partnership Act.

DEAR SENATOR: As an organization of 450 police chiefs, sheriffs, prosecutors, leaders of police organizations, and crime victims, we urge that you co-sponsor and support Senator Boxer's After School Education and Anti-Crime Amendment, which would boost authorization funding levels for the 21st Century Community Learning Centers afterschool programs, as you consider the Education Flexibility Partnership Act of 1999 (S. 280).

FBI data show that in the hour after the school bell rings, juvenile crime suddenly triples. The peak hours for violent juvenile crime are from 3:00 p.m. to 6:00 p.m., and more than half of all such crime occurs between 3:00 p.m. and 9:00 p.m. These are also the peak hours for unmarried teens to engage in sexual activity, and being unsupervised in the afternoon doubles the risk that teen will drink alcohol, smoke cigarettes, or use drugs.

Quality after-school, weekend and summer programs for children and youth can cut crime dramatically—by offering school-age kids a safe haven from negative influences, and providing constructive activities that teach them not only the skills they need to succeed, but also values like responsibility, hard work, and respect and concern for others. For example: high school freshmen boys randomly selected from welfare households to participate in the Quantum Opportunities after-school program were only one sixth as likely to be convicted of a crime during their high school years as boys in the control group. Together, the boys and girls who participated in the program were 50% more likely to graduate from high school on time, and two-and-a-half times more likely to attend post-secondary schooling. The program produced three dollars in benefits for every dollar spent.

When a Canadian public housing project intensively recruited youngsters to participate in an after-school skills development program, juvenile arrests among its teen residents declined by 75%, while they were going up 67% among the residents of a nearby comparison housing project. The program saved the government more than twice its cost.

When the Baltimore Police Department opened an after-school program in one high-crime neighborhood, kids' risk of becoming crime victims was cut nearly in half.

That's why, in addition to our 450 law enforcement members, law enforcement organizations nationwide have called on public officials to provide for America's children and teens after-school programs that offer recreation, academic support and community service experience. Among the organizations which have passed such resolutions are the National Sheriffs Association; the Major

Cities [Chiefs] organization (composed of the police chiefs from North America's 52 largest cities); the Police Executive Research Forum (made up of police chiefs, sheriffs, and other law enforcement officials who together serve over 100 million Americans); the National District Attorneys Association; and such state law enforcement groups as the California District Attorneys Association; and such state law enforcement groups as the California District Attorneys Association, the Illinois Association of Chiefs of Police and the Illinois States Attorneys Association; the Texas Police Chiefs Association, the Arizona Sheriffs and Prosecutors Association, the Maine Chiefs and Maine Sheriffs Associations, and the Rhode Island Police Chief's Association.

Despite clear evidence that quality after-school programs have a dramatic crime prevention impact and actually save taxpayer dollars, we are serving only a small portion of the children and youth who need these programs. More than 7 million children under twelve years old and millions more between twelve and eighteen years old, now spend their after-school hours unsupervised and vulnerable to the negative influences of gangs, drugs, and crime.

Senator Boxer's After-school Education and Anti-Crime Amendment would be a step forward in meeting our nation's need for more after-school programs. We therefore urge the Senate to adopt this amendment.

If we can be of further assistance as you consider S. 280, and other crime-prevention issues, please feel free to call on us.

Sincerely,

SANFORD A. NEWMAN,  
*President.*

Mrs. BOXER. I do want to thank the police athletic leagues for getting involved in this. I want to ask my friend this question, because he is our leader on education. He was the former chair of the Education Committee, now the ranking member.

I seem confused in trying to understand the majority leader's decision here not to allow these amendments to be offered. And I read somewhere that he said he looked forward to this debate when we began and he said, let's have those amendments, and we will vote them up or down. Can my friend explain to me why on Earth, when we have a situation here where the No. 1 issue in America today is our children and their education, the majority leader will not allow us to have an up-or-down vote on 100,000 teachers, on expanding afterschool programs, on the myriad of issues that we all know we need to address, the No. 1 issue today? Does my friend understand this change of heart? And can he explain to me what the rationale is for filibustering our amendments, for not allowing us to be heard by placing a gag rule on the Senate? Does he have an explanation?

Mr. KENNEDY. I say to the Senator, let me respond in this way. I had placed in the RECORD the statement by our majority leader at the National Governors' Conference just at the end of February where he said:

Now when we bring the education issues to the floor . . . there will be some amendments and some disagreements, but—and the leadership meeting that we had yesterday afternoon, I said, "That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take two weeks if it's necessary. Let's talk about education."

Here we had effectively, on Friday afternoon of last week, debate, but because of parliamentary means the opportunity for amending the legislation was closed out. Yesterday—yesterday—as the Senator might have heard, we could not call off quorum calls in order to amend the bill or to bring up an amendment. We were effectively told that unless it was cleared it with the majority, they were not going to permit amendments to be offered. Fortunately, we were at least able to find a way to try and get a vote on the Murray amendment, which we will vote on tomorrow.

Then we were, of course, absolutely mystified as to why the leadership included in the Ed-Flex this very complex bank reform legislation that has absolutely nothing to do with education—absolutely nothing. They added that and refused to permit an orderly process of consideration of amendments on which, as the Senator from California and others have pointed out, we would be willing to enter into a reasonable time limit.

The Senator from New Mexico, Senator BINGAMAN, has an amendment that has been passed with strong Republican support in the past. He indicated he would be willing to have one-half hour of debate, 15 minutes to a side. Other Senators have been willing to do so as well. Senator MURRAY was willing to do so, so we could move this process along, not that we should not have at least a fair opportunity to permit some of our colleagues to be able to express their own views, both for and against. But the Senator is quite right. We are effectively being told that even though the legislation is technically before the Senate, that we are closed out from having the opportunity to offer amendments and have the Senate dispose of those amendments, and that is obviously troublesome.

It works, as the Senator knows, in a strange way. We have had a deadlock for these past days, but there is nothing that is going to preclude Senator MURRAY from offering her amendment on some other piece of legislation. That is what, evidently, some of our people here must understand—that you just cannot do it at this place in the Senate calendar. You might be able to squeeze it out in the last few days of a session, but you cannot do it at this time.

We are going to see these amendments at one time or other, and I imagine earlier rather than later. So it has always seemed to me to make the most sense to do it in a responsible way, and that is in debating this with an underlying amendment on education rather than trying to work the process to have an amendment on a different item.

Mrs. BOXER. If my friend would continue to yield to me, I came over here not to seek time on my own, I say to my friend, but really to engage him in a conversation, because I think the

American people are completely confused. I know I am confused. I see an Ed-Flex bill coming over here. It is a good bill. The Senator supports it. I support it. But as we have said before, it is a thin bill. It does not go to the heart and soul of what we need to be doing—more teachers in the classroom, afterschool care for our children, dropout prevention.

I will tell you why I am confused. I read that our majority leader, Senator LOTT, was with our Presiding Officer in his State. They had an excellent town-hall meeting on education, and they talked about education a lot. They talked about it a lot. They talked about how it was a priority for the Republican Party. Well, talk is cheap.

I would like to know, what are we going to do? And we have an opportunity here, because there is an education bill on the floor, to let the majority of the Senate work its will; allow us to vote up or down. The Senator is completely correct. On after-school, I offered a 1-hour timeframe and an up-or-down vote after that—1 hour. That is all. We are not trying to tie up the Senate. And further, my friend reminded me, which I had forgotten, there is a banking amendment on this bill.

I am confused here, I say to my friend, and continue to be confused, that we have this bill on the floor that deals with education. The majority leader says he doesn't want it amended by any education amendments but he allows an amendment to go through that deals with the banking system. Members can only come to one conclusion, and that is that the Republicans like to talk about education but when it comes down to doing something to help our children, they are missing in action, regardless of town hall meetings.

I am glad that the Senator from Massachusetts, the ranking member on the Committee on Health, Education, Labor, and Pensions, has taken this time to explain what is going on to the American people, because you can't fool them.

I think what is interesting, as my friend has pointed out, we are not going to go away. Senator MURRAY, who isn't with us this morning because she had a tragic death in her family, Senator MURRAY is not going to go away. She and the Senator from Massachusetts were on their feet Friday, they were on their feet yesterday, they tried in vain to get a vote on the 100,000 teachers. She is not going to go away. The Senator from Massachusetts isn't going to go away. This Senator isn't going to go away. Why not have an agreement to bring up these issues and vote on them?

There is only one thing I can say, and that is that the majority leader does not support these amendments, he does not support 100,000 teachers in school, he does not support afterschool, he does not support dropout prevention. Otherwise, I can't imagine why he would use the heavyhanded tactics.

I yield back to my friend to continue to enlighten us on where we stand and how he sees the rest of the year going when we start off with such a gag rule on such an important measure.

Mr. KENNEDY. Senator, if I might just raise some conclusions that have been reached by this independent evaluation of title I that is directly relevant to the issue which the Senator wanted to address. This is the final report of "National Assessment" of title I. It just came out last week. In the summary, it points out: "Recent research on effective schools has found that using extended time learning in reading and mathematics"—this is the afterschool model; not all afterschool models, but many of the afterschool models. More so, now, I think, as a result of this excellent report.

And it talks about the recent study of schools in Maryland:

Researchers found that the most successful schools were seeing constant academic gains as a result of the extended day programs.

This is just what the Senator is talking about. This is the "National Assessment."

I mentioned before, there is \$500 million in requests. We have an important increase in the President's budget paid for. The Senator is just trying to get the authorization so the communities will know this program is alive and well and going to be continued over the period of time. That could be done in a very short order.

If there are those here opposed to it, why not express your views and then vote in opposition to it? Effectively, the good Senator is being denied at least any opportunity to be able to advance that—advance it, let the Senate finally vote on it—being denied that in spite of the fact that in this excellent review about what has been successful and what has not been, this is right on point to the Senator's initiative, and that, I think, is one of the reasons we are very frustrated.

We take a Banking Committee bill. Here we are on education. The timing was set by the majority leader and the majority. They are the ones who set the agenda. They are the ones who called up this bill.

Now we find out they are effectively foreclosing or have foreclosed. We are still hopeful that the Senator would be able to offer the amendment.

While the Senator is here, I just mention the kind of support we have on the class size amendment. We will have an opportunity to vote on that cloture tomorrow. Various groups have supported that, including the National Parent Teacher Association, the National School Boards Association, the National Association for the Advancement of Colored People, the Council of Chief State School Officers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of State Directors of Special Education.

That is interesting, special education; we heard a great deal about the importance of special education. Here is the association that is the primary spokesman for special education, and they are talking about the importance of this, and for very good reason. We have to fund both—that is our position—the IDEA and also this program for having smaller class sizes and having a well-trained teacher in every classroom. When we have the teacher quality, the well-trained teacher, they can identify early in their development the children who are going to have the special needs. If they are spending time with them in reading, they can find out whether that child needs the other kind of attention. Then you can locate and identify these needs much earlier, and we also can find out if they can provide that help and assistance to them, for example, in literacy. It may very well reduce or eliminate the need for special education.

There is support from this association in terms of school construction. They find out that the children with disabilities will benefit from buildings with appropriate physical access to buildings, buildings that are well equipped to handle modern technologies which so many with disabilities need to get a good education. And they find out that the afterschool programs, including Children With Disabilities, Stay Off the Street, Out of Trouble, help them get the academic help they need and desire.

That is what we are saying. Help all the children. We are also helping those with special needs. We are committed to trying to get additional funding in the area of special needs.

I remind our colleagues that under the constitutions of the States, the States have the responsibility for educating every child. We set as a goal that we would pick up 40 percent. I am strongly committed toward doing so. We will have an opportunity before too long to offer amendments to move us in that direction. We hope we will get as much support on that issue when we offer those amendments as we have had in terms of an opposition to trying to do the kind of things that the Senator from California has identified.

Mrs. BOXER. Will the Senator yield?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER (Mr. ENZI). The Senator from California.

Mrs. BOXER. I think it is an important point the Senator makes, that when you have smaller class sizes you can give special attention to the children who need it. The Senator makes a very interesting point. Perhaps some of these children who now need to be pulled out of those classes because they are so large would be able to be served in smaller classrooms.

I had a very interesting conversation with a woman who sat next to me on an airplane back to California on Friday who works for the Pentagon. She was so excited about the fact that the military has just decided to undertake a project to lower classroom sizes.

I ask my friend if he had heard about that. Their goal now in the early grades is to have 1 teacher for every 18 children. Now, this is the military, the U.S. military. These are schools that are run by the military.

I say to my friend, if our children whose parents are in the military can benefit from smaller class sizes—because the military is so smart, they understand it works—why should we deny our children in the public schools the same opportunity for smaller class sizes?

Does my friend see in this an irony that the majority leader and the Republicans who join us in being very strong supporters of strong defense, in giving the military what they need so there can be a quality of life for their kids, that they would undertake such a program? Yet, we would be gagged. Maybe my friend is right; maybe we will be able to go to the amendment. If we don't go to the amendment, doesn't the Senator see an irony here that the Pentagon will have 18 kids—15 to 18—in a classroom, supported by the Congress, and yet we see this opposition for the other children who happen to not be in military families?

Mr. KENNEDY. The Senator makes a good point. Not that that is always the best practice, but certainly in this case it is. Secondly, for example, child care programs in the military versus non-military programs, are quantitatively better because, very interestingly, the amendment that we adopted for child care for the military was actually the one that came out of our Labor and Human Resources Committee and had protections and guarantees in terms of quality and training for the personnel who are going to work with those children.

When we had it on the floor of the Senate, it was effectively undermined, in terms of those protections, in an attempt to get it passed.

Now they will go on out and ask, "Why are the military ones better?" It is very plain and simple. You can look at the history of the support of those programs here. At the time they called the roll, 94 to 6 we were prepared to give protections, because it was an add-on for the protection of the military—94 to 6. I remember it very clearly, because I offered the amendment.

When Senator DODD, who is a real leader in these children's programs, battled to develop programs for needy working families on this, it was significantly undermined.

The military understands smaller class sizes, as they do child care, and they are moving in that direction because they are able to do so.

A final point I will mention to the Senator on the importance of this, because we heard a great deal yesterday about how can we do this and not give attention to IDEA, is included in the RECORD—I will check the RECORD and, if not, will include it here—an excellent study that was done by "School Business Affairs" on education. In this

review, the study shows the benefits of reduced class size. I will read this:

Research has shown that some elements of schooling are changed positively by using reasonably sized classes in grades K-3.

Table 1 suggests some potentially cost-saving items that can be factored into plans to adjust [to smaller] class sizes.

It talks about reduced retention in grade, improved student behavior, reduced remediation so more students are on a grade level and special services may be more clearly targeted to needy students, and, finally, earlier identification of barriers to learning that may be remedied immediately, offering later savings in special education costs.

I hope, and maybe it is hoping for too much, that we can avoid pitting children against children, but rather to try to move along together. The central issue that we are focused on is smaller class size. We have additional amendments. The Senator from California has one to deal with afterschool programs. Senator HARKIN has one with regard to school construction. Senators REID and BINGAMAN have one with regard to dropouts. Senator DODD also has afterschool programs. There are others—Senator FEINSTEIN and Senator DORGAN have amendments, and my colleague Senator KERRY has one as well.

We are, nonetheless, prepared to reduce the number of amendments we offer and enter into a reasonable time limit so that we can at least make some important progress. I think most families who are watching this would say, "Why aren't they doing business? Why are we watching Senators talk about this. They have, effectively, uncontroverted documentation of support for the initiatives they are talking about. Why aren't they going ahead?"

And our response is that we can't go ahead because these barriers have been placed in our way.

That is fundamentally wrong. As the good Senator has pointed out, we are not going to let these barriers stand in our way.

I thank the Senator from California for all of her help.

Mr. President, I am told that we will have a number of our colleagues coming over to address these issues. We have the next 15 minutes, and then we will come back to address these issues later in the day, starting at 2:15.

I wanted to point out in our opening comments and statements this morning the importance, again, of reduction of class size.

Let me mention some of the rather interesting results of reduction of class size. The documented research—what parents and teachers have always known intuitively—shows that the smaller classes enhance student achievement.

The most effective overall presentation that was made on this was the excellent presentation by Senator MURRAY who has been a schoolteacher herself, has taught in these classes and can speak eloquently and knowledge-

ably about what it is like to be in a classroom with 30 children versus a classroom of 17 or 18 children. She has been on a school board for a number of years, dealing with educational policy, and she has the vantage point of bringing both of these experiences to this issue.

I have observed Senator MURRAY now for some 6½ years. I do not think any of us have seen a more impassioned, knowledgeable, informed person speak on the subject of class size as Senator MURRAY. I know she will continue to fight for this, and I am absolutely convinced that we will eventually accept the Murray proposal and, by doing so, give the information to the local school districts that the commitments that we made last year for increasing the number of teachers is going to be continued for the next 6 years.

The President has put the funding for that program into his budget. All we need now is the authorization, and the reason we need the authorization now, as Senator MURRAY points out, is because school boards need to know whether they can count on the continued financial support for next year and the year following and on into the future to go out and hire new teachers. The local school boards are wondering whether they ought to take the chance of moving ahead or if it is just going to be a 1-year experience.

That is a very reasonable issue, and school boards all across the country are in contact with us asking for clear guidance. For those who come to the floor and say, "We want to rely on local controls, we want to help and assist those in the local communities," this is the way to do it.

Let's send a very clear message to those at the local school level that this is a program that is going to continue for the next 6 years. You can be sure that we are behind it. That is what the Murray amendment does, and that is why it is so timely and so important that we put that on the Ed-Flex legislation.

Mr. President, let's just look at some of the examples of the studies on smaller classrooms. Let's take this Project STAR that studied 7,000 students in 80 schools in Tennessee. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade. Follow-up studies showed that the gains lasted through at least eighth grade, and the gains were larger for minority students.

In Wisconsin, the Student Guarantee in Education Program is helping to reduce class size in grades K through 3 in low-income communities. The study found students in the smaller classes have significantly greater improvements in reading, math, and language tests than students in larger classes.

In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 produced a 44-percent increase in reading scores and an 18-percent increase in math scores. Mr.

President, this is what is happening out there in school districts. I don't know how much more information we need. School district after school district that has moved towards smaller class size is finding these extraordinary results. We are being denied now the opportunity to say, "Look, we notice these results. We hear what you are saying. It does make an important difference. We have the resources at this time to move ahead in a national effort to try to get the smaller classrooms." That is what this debate is about, and we are denied the opportunity to do so.

Listen to this. As I mentioned, in Flint, MI, over the last 3 years the smaller class in K through 3 produced a 44-percent increase in reading scores, and an 18-percent increase in the math scores.

Before we get into the expanded reading program we passed at the end of the last year—not that that in and of itself is going to solve all of the problems—what we have done in the last 3 years is encouraged the universities which have Work-Study Programs to ensure that many of the young people who are attending our colleges all across the country are going to move towards working and tutoring students as part of their Work-Study.

I am proud that Massachusetts has better than half of its colleges doing so.

I urge our colleagues in this body to meet with the presidents of universities in their states and encourage the presidents of the universities to get their universities and their schools involved in that reading program. Massachusetts and California are the two top States. Sixty percent of our colleges are doing it. We are committed to trying to get it up to 100 percent. There is no reason that kind of assistance cannot go to these students with the Work-Study Programs so that reading can be held to a higher standard.

But getting back to the subject, that is the importance of grades K through 3, we have extraordinary academic achievements in reading, which is the key to all knowledge, and math, and they are due in large part to a reduction in class size.

I have other examples, and I will make sure there is time remaining to speak to the Senate about those. But I can tell you that we have instance after instance after instance where the smaller class size has resulted in dramatic and significant and important academic achievement and academic progress for students. And it is a national tragedy that we are not embarked on a program to help local communities and States to embark on such a program. Some can do it locally, and they are doing it. We commend them. The States are doing it. But we ought to have a partnership to do what we know can make a significant improvement in children's academic performance and success, and we are being closed out of the opportunity to do that here today. We have \$11 billion

out there which can make a direct difference, and we are being denied the opportunity to do so. That is fundamentally wrong.

I yield to the Senator from Illinois what time he might consume.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. Eleven minutes forty-five seconds.

Mr. DURBIN. Thank you, Mr. President.

Mr. President, I rise to speak in morning business and to support the efforts by Senators KENNEDY, MURRAY, and so many others to finally bring to this Senate floor a vote on education.

We have been in session for almost 2 months now. A great deal of that time was spent on the impeachment trial with the promise that when it ended, we would come together and consider issues important to this country. And I think all of us took heart in that promise by the leadership. Yet, when this debate comes to the floor on the first education bill of the 106th Congress in the U.S. Senate, we are finding efforts by the Republican leadership to limit the debate. When Senator KENNEDY comes to the floor with Senator PATTY MURRAY of the State of Washington and asks only for the opportunity for the Senate to vote on several key educational issues, I am sorry to say the Republican leadership has used every procedural device to stop the Senate from voting on education.

What does that say about the 106th Congress and what we hope to achieve? I hope Republican Senators feel, as those do on this side of the aisle, that reducing classroom size gives kids a better chance. My wife and I have taken three kids to school—taken them as they started in kindergarten through the grades. Can you believe for a moment we would have felt encouraged if we walked in and they said, “You have a choice here. There is one classroom with 30 kids and one teacher, another with 18 kids and one teacher. We are going to put your child in the larger classroom with 30 kids. That is OK, isn’t it?” You would say, “Wait a minute. My son or my daughter has a better chance with more personal attention.”

That is what is behind the proposal for 100,000 new teachers—to reduce classroom size so that more personal attention can be given to each student. There may be some Republicans and maybe even some Democrats who would disagree with that premise and argue that larger classrooms are better for kids. Let them vote that way. Let them cast that vote that way. But to stop us procedurally from even coming to this vote on President Clinton’s initiative for 100,000 more teachers does a disservice to the kids and families across America and doesn’t speak well of the agenda for the 106th Congress.

Another item being considered, and one I hope we vote on, is the question of making sure we have enough classrooms and that we are going to, in fact, have smaller class sizes. As I travel around my home State of Illinois, superintendents, teachers, and parents said, “Great. Smaller classrooms make a lot of sense. We think our kids have a better chance.” But we are going to need more classrooms, obviously.

So one of the proposals that is before us which Senator KENNEDY is pushing for is to have help for the school districts across America to build more buildings. Unfortunately, that, too, has been stopped.

Imagine, if you will, that the Republican leadership does not want us to vote on whether or not to help school districts build more classrooms, modernize classrooms, make certain they have the technology necessary for the 21st century, even to make certain there are safer classrooms for our kids. What possible item on the agenda is more important than education? Yet, as the 106th Congress begins, we got off to a slow start because of the impeachment, and now we have come to a grinding halt on education. If we cannot achieve a bipartisan consensus on the basics of education, it doesn’t speak well for the prospects of this Congress. I hope Senator KENNEDY, Senator MURRAY, and many others prevail. They are going to try to ask the Senate to come together on a bipartisan basis and really put their votes where their campaign rhetoric has been—commitment to education.

That is what it is all about. Let me speak for a moment to another issue which has been brought up, and it is a very valid issue.

Many Republicans argue today and in the last week’s debate that we should put more Federal money into school districts to help them pay for disabled children. I have been to these schools. I have many times seen one teacher per student. I know it is very expensive education. I know some kids are sent off by school districts to better opportunities in other States. And that, too, can be very expensive. So the Republican majority has suggested we should put more money into special education from the Federal level. I hope it is clear that most Democrats agree with the Republicans on that; and that, if we are going to focus the surplus on education, this is a valid investment. But make no mistake; we have faced this vote before.

Take a look here. On April 23rd of last year when we offered an amendment to the Coverdell bill on the so-called parent and student savings accounts, an amendment which said take the money and put it into special education, only four Republicans joined us in that vote. They said, no; it is more important that we have vouchers for private schools than we take care of disabled children in public schools. So, by a vote of 50 to 4, the Republicans said no; don’t put the money in special

education. Now they argue today that it is the most important priority, the highest priority above all.

I sincerely hope we can return to this debate on the floor in an honest and bipartisan fashion.

I don’t know why Senator KENNEDY stands here alone on the issue of classroom size. I don’t know why Senator MURRAY stands here alone on the issue of increasing the number of classrooms and the safety of our school buildings.

This truly is bipartisan. So many of us who go to the campaign stump and speak about education now have a chance to put our votes where our promises have been.

I sincerely hope that the Republican leadership will think twice about this—that we have an opportunity here to get the 106th Congress off to a positive start. The 105th Congress was a do-nothing Congress. It achieved little or nothing, and the American people in the last election in 1998 made it clear that they rejected that approach. Now we have a chance to do something on education on a bipartisan basis if the Republican majority will stop throwing these procedural roadblocks in our path.

At this point, Mr. President, I reserve the remainder of time in morning business.

The PRESIDING OFFICER. The Senator has 1 minute 30 seconds remaining—under the control of the Senator from Massachusetts. Then the next hour is under the control of the Senator from Tennessee.

Mr. KENNEDY. I yield the remaining time to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I am wondering if there would be an opportunity, after the completion of this period, for an additional 10 minutes in morning business by unanimous consent.

The PRESIDING OFFICER. This period will end at 12:30, which is the time for recess.

Mr. KENNEDY. Could I suggest something to the Senator, if the Presiding Officer will yield. We generally close down at 12:30. The Senator from Tennessee has an hour, and if it fits into the Senator’s schedule, I would ask that we do not recess; we postpone the recess from 12:30 to 12:45 to permit the Senator to speak.

Mr. FEINGOLD. I thank the Senator from Massachusetts.

Mr. KENNEDY. If that is agreeable to the Senator.

The PRESIDING OFFICER. The Chair will need someone to fill in for him.

The Senator from Wyoming objects.

Objection is heard.



The Senator from Tennessee now has 1 hour.

#### EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. FRIST. Mr. President, over the next 60 minutes we will be addressing our children's education, which is a continuation of the debate that we brought to the floor last week. Although the debate has ranged from the initial presentation of the bill to various amendments, it is the underlying bill that I would like to spend a few moments discussing.

The Ed-Flex bill is a simple bill, a straightforward bill, and a bipartisan bill. It was brought to the Senate floor last week in order to pass it through the Senate, have it pass through the House of Representatives, have it sent to the President of the United States, and signed so that all 50 States would be able to take advantage of a program on which we have a 5-year history, that has been demonstrated to work, that was initially applied in six States, and then another six States. There are 38 States such as Tennessee that do not have access to an Ed-Flex program.

Ed-Flex is a program which basically says that individual schools and school districts and communities would be able to obtain waivers to be able to meet very specific education goals to educate their children, but they can do it in a way that is free of the Washington bureaucratic regulations, the excessive redtape which we hear again and again is shackling the hands of our schools and our teachers who are working so hard to educate our children, to prepare them for a future full of opportunities, to prepare them for that next millennium which we all talk about in such glowing terms. Yet we recognize that in spite of giving the system a lot of money, in spite of progress in structure, we are failing our children. We are not preparing them for that next millennium.

So now is the time to pay attention to what people are telling us, to what parents are telling us, what principals are telling us, what teachers are telling us. We need to respect the needs of the local communities, because each community is different, rather than thinking in this body that we can decide if you put more teachers there, you are going to do better without telling them what the quality of that teacher might be or telling them that you need just another computer, and if we put that computer in your classroom, your students will do better.

No, we should listen to the schools that say let us take those same resources—we know what it takes to educate our children—let us carry out our type of program free of the bureaucracy, free of this administrative burden. And that is what Ed-Flex is all about. This particular bill costs nothing.

We have heard of a number of well-intended programs talked about this

morning and introduced as amendments, really loading down our bill, but they cost \$200 million here, \$500 million here, \$1 billion here, \$6 billion here, \$12 billion over 6 years.

We should have that debate at some point because we know that we are not educating our children nearly as well as we should, and we need to debate resources. And we most appropriately are doing that in the committee structure right now where we are looking at all of the elementary and secondary education programs through the reauthorization process. We have heard repeatedly that we should not just add one more program to the already more than 250 programs with which we have been trying to educate our children. We hear too often: Let's add this program and that will take care of our problems today.

Well, it sounds good and it makes good sound bites and it may even poll well, but it is absurd to think that one program is going to solve our education problems. So let's start with the basics. The Ed-Flex bill includes flexibility at the local level, gets rid of Washington redtape, provides strong accountability provisions built in at the local level, at the State level, and at the Federal level. For instance, performance standards and content standards are built into our Ed-Flex bill, as well as issues at the State level such as corrective action and technical assistance, and accountability is built in at the State level and at the Federal level. In fact, the Secretary of the Department of Education can at any time terminate a waiver.

Ed-Flex means greater local control for education decisions, has no cost to taxpayers, and is supported by all 50 Governors. Just 20 minutes ago I was talking to a Governor, and I basically said here we are, in Washington. We have a bill that is supported by every Governor in the United States of America. If we are allowed—and we are going to try again with the cloture vote today—to bring this bill to the floor for a vote, I bet you it will pass 99 to 1. That is how good the bill is. Yet, because of political posturing, because of polls, because of an agenda that someone else has, some have come to the floor of the Senate and are holding the bill hostage.

When I mentioned the Ed-Flex bill while traveling across Tennessee Saturday and Sunday talking to parents—I was in three high schools—parents basically said, what is going on in Washington, DC? I thought now was the time for nonpartisanship, for coming together, for bipartisanship. I thought you had finished the gridlock that we have seen in Washington. "We expect more out of you, Senator FRIST." And I said, "Yes, I will go back, and I will do my very best." Yet, I come back and again its gridlock.

Our bill very simply means education flexibility. It costs nothing, it has bipartisan support, and provides flexibility and accountability. Everything else

you have heard about over the last few years is a new program, costing billions of dollars—silver bullets. People say, "That's what we need because it sounds good. I go home and I talk to parents. They don't know what education flexibility is all about. But I tell them about adding quantity, adding numbers of teachers, and they listen. Well, that is the whole point. We need to do what is right. We don't need to do just what sounds good because what sounds good doesn't work. For the last 30 years we have done what sounds good, but without any improvement whatsoever."

We need Ed-Flex. We have to forget this gridlock. In the next 45 minutes or so, that will be our discussion.

I see that my distinguished colleague from the great State of Florida has arrived, and I would like to yield 10 minutes to my colleague.

Mr. MACK. I thank the Senator for yielding. I will not use that much time. I thank the Senator for the leadership he has provided on this legislation.

It was really not my intention to speak on this bill because I was under the impression that this bill had great bipartisan support, that we would bring this to the floor after coming out of committee, and it would breeze through the Senate. This is a piece of legislation that is supposedly—supposedly—supported by everybody.

I am pleased to speak in favor of the Ed-Flex bill. Our children will thrive when State and local communities are given the freedom to craft their education plans according to the unique education needs of their children. Local schools do more when Washington bureaucracies do less. That is what this bill does.

We are beginning the second week of consideration of this bill. We have been forced to file three cloture motions on what may be the most popular, most bipartisan legislation we will consider this Congress. I fear this may set the tone for the remainder of the 106th Congress, where consideration of any bill will be filibustered by the Democrats and drive partisanship to new heights.

As I implied a moment ago, I am in some ways confused by what is happening. I do not understand how a bill that supposedly is supported by an overwhelming number of Members on both sides of the aisle has been caught up in this constant and continuous effort to amend the bill.

I think the actions we have seen during this past week, and what we are anticipating through the balance of this week, raise the question about those who have cosponsored the bill and who say they are in support of it. I question whether they truly support the idea of Ed-Flex, which is to allow State and local communities to have more control over how dollars are spent. I think there is a ruse underway here. I think our colleagues on the other side of the aisle want to claim that they support the idea of giving local communities



and States more authority and more flexibility in how to spend their dollars, yet they come out here and offer amendment after amendment on this bill, knowing full well—and I ask the Senator from Tennessee if this is not the case—knowing full well the majority leader has said to them there will be other opportunities to offer these amendments on other education bills when they come forward. Is that an accurate statement?

Mr. FRIST. Mr. President, I would love the opportunity to respond to that, because that is exactly right. It is crystal clear that these are important issues in all of these amendments, all of which are so well intended, all of which sound so good. The point is, as we speak, right now in the Committee on Health, Education, Labor and Pensions, the large bill in which all resources going into kindergarten through 12th grade is being addressed, the committee is looking at how effective they are, how they interrelate to each other—because right now we have 180 or 190 or 200 programs, all in K-12 education, all with their own little bureaucracies, all well-intended, but with huge overlap, huge duplication, huge waste. Again the goals are very good, but we have a process to look at all of those.

That is ongoing as we speak. Hearings are going on right now in that particular committee on every one of these issues. That is the appropriate forum, not to bring them to the floor, especially when they cost \$12 and \$15 billion. And now is our opportunity, now, to pass that single, straightforward, education flexibility, no-cost, demonstrated-that-it-works, bipartisan-supported bill, and that is where the gridlock is.

Mr. MACK. As I said a minute ago, I really am serious now in raising questions about the sincerity of our colleagues on the other side of the aisle who purport that they are in favor of Ed-Flex but, yet, want to bog this piece of legislation down with a whole series of amendments they know are controversial.

There is nothing wrong with us dealing with controversial amendments and controversial issues. We do that throughout our entire political careers. The question is the timing of it. The question is the approach. I am, again, dismayed by the attitude that is being projected here. I, again, question sincerity.

Recently, we went through a 5- or 6-week period at the beginning of this new Congress with a very contentious issue dealing with the impeachment trial. But each side made a sincere effort to work with the other, and as a result I think we did a credible job. I think most people in the country think we did a credible job. Yet, on this the second piece of legislation we are considering, we are being forced to offer cloture motion after cloture motion after cloture motion—three so far. There should be no question in any-

one's mind that the intention here, I believe, is now to kill this piece of legislation because it goes against their political interests. It goes against their philosophy.

In all honesty, the differences in the approach about education in America is clear. Our colleagues on the other side of the aisle are convinced the only way to improve education in America is to have a larger group of wiser bureaucrats in Washington make a determination about how resources ought to be allocated and what regulations ought to come down from Washington in order to solve this problem.

We have a totally different view. We think if we give this money to the States and the local communities, they can make better decisions about what their top spending priority is. In some local school districts that is school buildings. In other school districts that is school books. In others, that is teachers. We ought to allow them to make those decisions. We should not stand in their way.

Again, I came here to raise these points with respect to the process, as much as anything else. I remind everyone that, in the last Congress, there were 69 cloture motions that were filed—69 cloture motions. And here we are again battling along party lines about a bill that we were told might pass with 100 votes. I have serious reservations now whether that is going to happen. I think the actions of our colleagues on the other side of the aisle are very clear. They are now trying to kill the idea of allowing States and local communities to have more flexibility.

Again, I appreciate the work and the effort of the Senator from Tennessee on this issue. He has provided great leadership and I appreciate the opportunity and the time he has given me.

With that, I yield the floor.

Mr. FRIST. Mr. President, I thank my colleague from Florida because he really has hit the nail right on the head. We have a bill, Ed-Flex, with flexibility, with accountability, with broad support among the American people. That bill will help the American children, No. 1.

No. 2, we have Members on the opposite side of the aisle who recognize they can kill this bill. They can kill this bill. They cannot vote for cloture and therefore effectively filibuster this bill, but at the same time, hide the fact that is actually hurting our children. We hear, again, of all these well-intentioned programs. "Oh, if we can pass those, we can help our children." Let's recognize the facts. By killing this bill, by filibustering this bill, they are preventing something which is demonstrated to work for our children from being delivered to our children right now.

Delaying tactics will put it off for a couple of years. Yes, it will eventually pass, but why not give our children something today? Why deny them that? Because of gridlock? Because

they want to define an agenda or they want to take the President's agenda and bring it to the floor? It is hurting the children. We need Ed-Flex. We cannot tolerate gridlock.

I see my distinguished colleague from Georgia is on the floor. I would like to turn to him. Let me just briefly quote from a letter from the Democratic Governors' Association from 2 weeks ago, February 22, 1999, just to demonstrate the broad support and how what is happening on the other side, the obstruction, doesn't represent what the Democratic Governors tell us. They say:

Democratic Governors strongly support this effort to vest state officials with more control over the coordination of federal and state regulatory and statutory authority in exchange for requiring more local school accountability.

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Most importantly, S. 280 [which is our bill, the underlying bill here] maintains the careful balance needed between flexibility and accountability.

They end by saying:

S. 280 [that's the Ed-Flex bill] is common-sense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment.

This is a letter to the U.S. Senate from the Democratic Governors' Association supporting "prompt enactment," yet we see this obstructionist filibustering going on.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, first I acknowledge the Senator from Tennessee, the Senator from Vermont, the Senator from Oregon, Senators FRIST, JEFFORDS and WYDEN, for the extensive work they have been about trying to address this enormous issue in America. The data that we are receiving is striking to me, particularly in grades kindergarten through high school, about failed reading skills, last in math, last in science among the industrialized nations. America knows this. You can ask any community what is the No. 1 issue in the country today, and they will tell you we have trouble in our school systems. We are not effectively equipping all of our citizens with the ability to participate in this society. If that is allowed to continue, it will have the effect of crippling the United States in the new century.

I have often said, to the extent that any citizen is denied fundamental educational skills, we have abrogated their ability to be full citizens and to enjoy the benefits of American citizenship. An uneducated people will not be a free people. By allowing so many of our students to come through the system and to have missed the mark, we are in danger of creating for the first time in America a cast system. This never existed in America.

There is vast mobility in our population—people coming up the economic

ladder; people coming down. It is not static. We will change that, if we turn our heads away from allowing hundreds of thousands of our citizens to come through the educational system without being equipped to be a full participating citizen. That is why I was proud to be a cosponsor of this piece of legislation, the Education Flexibility Act, which has already proven itself in 12 States. This legislation expands what is working. We need those things that are working out there.

I do not believe I have ever in my career in the U.S. Senate seen a piece of legislation that has the approval of every Governor in the United States. I do not believe I have ever seen that happen before. Every Democrat Governor has signed a letter of endorsement for this piece of legislation; every Republican Governor has signed. How many times? It has never happened.

In the face of that, we are on day 7, holding reform legislation that has been proven to work, supported by every Governor, we are holding it hostage. We are holding all those students who can benefit from this hostage. They are last on the list. We have to serve some other agenda, some bureaucracy, some status quo. They come first. Just let those students sit out there with those miserable scores. Go ahead and let 30 and 40 percent of our students come to college unable to effectively read; go ahead and let the States spend millions upon millions of dollars to retrain them to see if they cannot somehow salvage a college education and career. So what? Just put the old fist down, dig your heels in and leave everything the way it is.

This reminds me of the struggle for welfare reform. You didn't have to be a rocket scientist to understand that program was in deep trouble. It was costing America trillions of dollars, and it was producing dependent, not independent, citizens. It was stunting the future of millions of Americans. Yet, it took a massive struggle, year after year, same crowd, I might point out. Just leave things the way they are; go ahead and let those folks lose their opportunity and their lives. Do not give them a chance to be full participatory citizens.

It finally got done, and millions of Americans have learned the American way. They have jobs. They are getting off welfare rolls by the thousands in every State.

So here we have another picture. We have an education system that is producing very troubling results. The Senator who is now presiding and his colleague come forward with a very clean, simple idea to try to help the States, which manage education, set better priorities, make the money be more effective, get in there and try to turn this around. What does turning around mean? It means you are saving the future for some child. You are giving them their chance. This kind of resistance is saying, OK go ahead and let them be strangled and choked down.

That is OK. How can anybody in this Capital City accept the status quo? It is beyond me.

As you have said over and over, Mr. President, this bill, simple, clean, is about removing handcuffs and shackles and letting Governors and State legislatures and school boards get in there and get those resources to what the priorities are—in other words, reducing the overhead. You have said many times, and I agree completely, the Federal Government makes about 6 to 7 percent of the funding available for elementary education, but 50 percent of the overhead and administrative regulations are directly tied to that. Twenty-five thousand employees across America are required to administer that slim piece of the puzzle. Your bill gets at that, begins reducing that overhead and that waste, and diverting the attention of those teachers away from the kids to some regulatory system.

The amendments being talked about, bandied around town, miss the whole point. This is about reducing the overhead and putting more of the resources in the classroom.

Let me read from the genesis of one of these amendments desired to change your bill. It is called "Applications." It is a section about how to apply under one of these amendments.

**Applications Required:** If any State chooses not to participate in the program under this Act, or fails to submit an approvable application . . .

**Applications Required:** The State educational agency of each State desiring to receive an allotment under this Act shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

That is the Secretary in Washington, not in Wyoming, not in Georgia, not in Tennessee. It is the person in Washington.

**Contents:** Each application shall include (1) the State's goals for using funds under this Act to reduce average class sizes in regular classrooms in grades 1 through 3, including—(A) a description of current class sizes in regular classrooms in the local educational agencies of the State; (B) a description of the State's plan for using funds under this Act to reduce the average class size in regular classrooms in those grades; and (C) the class-size goals in regular classrooms the State intends to reach and a justification of the goals; (2) a description of the State's educational agency's plan for allocating program funds within the State, including—(A) an estimate of the impact of these allocations on class sizes in the individual local . . .

You get the point, Mr. President. This is going in the opposite direction. This misses the point. This is saying that the 50-percent burden, the 25,000 employees we have out there to try to regulate the color of the classroom, how tall it will be and the size of a chair, they want to do more of that. They want more administrative burdens. They want more strings.

This is a classic division. This is a group of people who are conducting an obstructionist filibuster to block what every Governor and a vast majority of

the American people have concluded is needed: That there is too much regulatory burden; it locks down the system and does not allow the system to set proper priorities. And it infers, Mr. President, that that Governor, those legislators, that community, aren't smart enough to figure out what they need to do and it requires a Washington wizard wonk in the bowels of one of these buildings over here to tell them what they need to do. That is what this division is all about.

This legislation envisions that these local communities, the Governors of our States, have a sense of the problems there and they need to be given the room to go about solving them. We have done this on a pilot basis in 12 States, and it is working. It is working. This legislation opens it up so that all the States—and you come back to the point, it is absolutely unprecedented, Mr. President, that every Governor, of both parties, would document and send to the Congress a letter that says: "Do this. We all agree."

In the face of that bipartisan support, and in the face of that magnificent requirement and urgency, what are we facing here in the U.S. Senate on something that is totally agreed to? A filibuster, of all things. A filibuster. And you can only conclude—as we fought our way through welfare reform and as we fought our way through education reform last year, the commitment to the status quo, the inconceivable ability to turn away from the absolutely proven facts about what is happening in kindergarten through high school, with all that data—the fact that those kids are not getting the mark does not matter, it is just too bad, tough luck, because we are going to defend the establishment, the bureaucracy, the status quo. They are first; the kids are last.

Those Governors did not sign this letter at some willy-nilly picnic. They are on the ground, and they know what is happening. It is a frightening thing because if we leave this unchecked, we are going to have a very, very large population that cannot work in our system. And that is going to create havoc for our country, not to mention their condition or what you have done to that person. You have left them without the tools to take care of themselves and their new families and their communities. Mr. President, that is unconscionable policy, to turn and walk away from that. It is hard for me to believe.

So I have to say, I have not been here all that long, but I have to tell you that this particular filibuster is onerous because of who the beneficiaries are of your work. They are children, they are American children. They need help, and they need it now. And this is not the way they should be treated.

Mr. President, I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Thank you, Mr. President.

I particularly thank the Presiding Officer and congratulate him for bringing this education flexibility bill to the floor of the U.S. Senate, where it should have been passed rapidly. It came out of committee 17-1. That is bipartisan. The Presiding Officer worked hard and found the common ground for education.

All during the trial, we talked about the need to get on with the country's business; and we did. We met mornings, up to the time of the trial, in committee meetings; and we passed bills out of committee. In fact, we passed more bills out of committee than passed the Senate in the entire first year I was here. We did the work of the country. We found common ground. We had a promise that common ground would be the way of the Senate for these next 2 years. Where did the common ground go? Seventeen to one; that is common ground.

I hear expressions that we want to do things for education. Well, at this moment I know that for the Democrats education is merely a smokescreen, flash-in-the-pan politics. The Republicans are insisting on a politics of performance; the Democrats are utilizing a politics of the polls. The Republicans insist on promises kept; the Democrats insist on promises made, politics as usual. That is what gives politics a bad name: Promising things you do not intend to deliver on.

We have been talking about paying for the promises we have already made. That is what IDEA is about. That is what we had extensive discussion about in the U.S. Senate last year when we figured out how special ed could be handled for this Nation. And we did find common ground. We also had this same sort of thing on the floor where, after the common ground, there were all kinds of wedge issues that were thrown in that did not have the detail done, that did not have the committee meetings held, that did not have the substance to follow through. Those were added and added and added, not successfully, but taking up the time of the Senate.

We finally got IDEA passed, funding of special education. In that, though, we did not follow all the promises that were made. We provided 7 percent of the funding, not 40 percent of the funding for special education. But that does not mean we did not tell the States what to do. We did. We said: "States, you've got to put up the rest of that. We are just making promises." But we said that every time there was an opportunity for additional funding, that additional funding would go to special education until we got it funded. Right now we are following up on those promises.

People here are saying there is a lot of money that can be spent on education. And we are saying, OK, if there is a lot of money—and we are not agreeing that there is a lot of money—if there is a lot of money, fund what we promised first. School funding is one of

the most important issues facing Wyoming and every other State. We are debating education flexibility, the Ed-Flex bill. This gives States more flexibility to use Federal money where the States and local districts need it most. State governments, local school boards, teachers and, yes, even the parents and kids need to be involved in setting the agenda for education. It should not be the Federal Government designating where every dollar is spent.

You get the impression, from the discussion we are having here, that the Federal Government is the answer to education. Let me tell you what the Federal Government does. The Federal Government provides 7 percent of local school funding. You would think we were the answer. We are a piddling little 7 percent, because we have said: "States, we've given you the mechanism to fund education. We want you to fund education. We insist that you fund education to provide education for every single kid, and there's a court system you can put that in if you don't think your kids are getting an equal break." And it is being utilized.

The Federal Government only provides 7 percent of local funding, but we provide 50 percent of the paperwork. In order to get that 7 percent money, you are going to do 50 percent of your paperwork for the Federal Government. That paperwork burden requires the equivalent of 25,000 full-time people who work on paper, not on students. It takes six times as many employees to administer a Federal dollar as it does a State dollar. I want to tell you, paperwork won't teach kids.

I have a daughter who is a seventh grade English teacher. She is a dedicated teacher. She earned her master's degree while she was teaching by going to classes evenings and weekends so she could do a better job with her kids. She understands class size. It fluctuates from year to year and from how many people move into her part of the city. She also understands IDEA funding and the way it will affect her job and the way it will affect kids in her classrooms. She understands that is something that has been debated and the details have been filled in.

It is not like this idea of 100,000 new teachers, which sounds good. It is that flash-in-the-pan politics, the politics of promises. It doesn't have the details behind it. I suspect that every teacher out there in the classroom—including my daughter—when they find out that bill prohibits that money from being used for an increase in wages for them or even an increase in benefits, they would be livid. We have an obligation to the teachers who are already teaching out there, the ones who are doing a good job, the ones who in some instances have too big a class size. But their amendment prohibits them from getting a break.

That is because we haven't had committee hearings on it. We just went right to the politics of the polls. We

just went out there and said to the American people, we have studied the polls, we know you would like more teachers in the classroom, we know you would like to have your kids in smaller classes, and we will promise that. Now, we won't deliver it, but we will promise it.

That is not how the Republicans here work. It was my understanding that we were going to have some common ground. And we found the common ground. I was encouraged. But I am not encouraged anymore. I watched the President crisscross the United States while we were having this trial. He crisscrossed the United States promising money: a billion here—nothing as small as a million—a billion here, a billion there, \$4 billion there. I listened to his State of the Union Message while the trial was going on. My daughter called me the next day. She said, "I had a kid show up to class today who had a couple of questions about the President's State of the Union Message. He brought the figures on the percentages that were used in the speech and he wanted to know if those didn't add up to 128 percent of the surplus?" I tell you, the kid is good in math. The kid is good in listening.

Yes, promises were made crisscrossing this country, promises that can't be kept, promises that the American people have said take care of Social Security, balance the budget, pay down the debt if you can, and if there is anything left over at all, give it back to us. But it is much fancier to put in the press that we are going to give away more money. It sounds great to have 100,000 new teachers in the classroom.

One of the Members on the other side of the aisle recognized this morning that they have a second issue—that is more classrooms. He even pointed out why that was an issue. It is because if you put 100,000 teachers in there, you no longer have classroom space for the kids. It takes years of planning to be able to provide what they are talking about doing in a flash-in-the-pan moment for the press.

That is not good business. That is not good legislation. That is not how we ought to be operating.

At the beginning I gave the Senator from Tennessee the credit for this bill. Now, there are some Democrat cosponsors on this. There are a lot of them. But at the moment I am not giving them any credit. They are the ones who voted against cloture as though cloture stopped everything. Cloture ends our debate in 30 hours, 30 hours of talking about this important bill. That is a lot of time. Now it isn't time to demagog everything in the papers. It isn't time to do the flash-in-the-pan, promises-made politics about which we have been hearing. And it would wind up with a vote at the end where we would see if we were really in favor of education flexibility, less paperwork, so that teachers can spend more time in the classroom.

I now think that they do not want that kind of a vote. They would rather make promises.

The bill that we have before the Senate is extremely important. There are a lot of things in it that will actually improve the capability of the present teachers in the classroom. It won't restrict their pay. It won't keep them from getting additional benefits. But it will be funded because it doesn't require any funding. That is why we object to some of these measures being put on this bill at this moment.

Yes, it is an opportunity to make the press. No, it is not the appropriate place to make the press. The more appropriate place is to have the hearings, fill in the details, get the agreement on the common ground. The more appropriate place might be appropriations. But just in case appropriations doesn't come up—oh, yeah, that is a requirement; we have to cover appropriations—at any rate, even if it weren't to come up, there is the Elementary and Secondary Education Act. That is about funding. That is about elementary schools and secondary schools and how many teachers there are. Sounds like a more appropriate place to me. Sounds like the place where we ought to work for common ground instead of bringing it up without a hearing, bringing it up without the details pasted in.

There is a lot of demagoging going on here about amendments. There have been some 15 amendments. I have heard that we may have to debate all of them. Of the 15, 10 require new money, 2 or more will force new mandates on the States—more paperwork for that piddling little 7 percent money that the States get, something that guts flexibility, which is the intent of this bill.

The others are amendments to elementary and secondary education that are not appropriate on this bill. This bill isn't part of elementary and secondary education. It never was. We passed this bill last year with the President's support without all of those extraneous programs. Let me repeat: We had the President's support on the exact bill last year. Now the President says, If you don't add a bunch of these flash-in-the-pan politics for me, this additional spending, I will have to veto your bill.

I am a member of the Senate Health, Education, Labor, and Pensions Committee. I am glad to debate those new authorizations in that committee. I will not support authorizing these very expensive mandates on this bill. It doesn't make any sense to me, for example, to put a \$1.4 billion mandate onto States and locals to hire new teachers without the details. One of those details is what happens when the Federal Government doesn't provide continuing funding. That is what we do with these flash-in-the-pan politics. We fund them for a while. We get the benefit of the press on them, and then we dump them like a hot potato because we can't afford them. Where does that

leave the school district that hired that teacher, reduced the class size, promised those parents they would have a smaller class size? It puts them behind again with another mandate to fund the project that had some temptation for them when it was money being offered.

Let me ask another question. The way we work Federal legislation and regulations and paperwork, when it is recognized that we cannot afford that teacher who they have been given, who gets laid off, the Federal hire or the local hire? This bill is about local folks. This amendment is about Federal rules and regulations.

That is why the underlying bill is such good medicine. It is a good dose of common sense for a system beleaguered by Washington fever. It doesn't offer any new programs. It doesn't offer billions of dollars to hire a bunch of consultants. It offers a new format for innovation. That is it. The format is flexibility so States and locals can improve their schools.

Every Member of this body should support this bill. If it ever comes to a vote, I am sure they will support this bill. Or at least I was sure. But when you have cosponsors who don't even vote for cloture that would allow another 30 hours to debate the bill, I am not sure. I know our States will thank us for this bill, our schools will thank us for it, most importantly, our kids will thank us for doing it. It is time to put away the promises made—the politics of the poll, the politics as usual—and do some promises kept.

This bill is a promise made. It is a promise that can be done. It is the common ground that was talked about during the trial. It is time to find that common ground.

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the opportunity to come back to the floor to talk about Ed-Flex and the importance of that measure for the good education of our kids, and that is what we ought to be talking about.

We heard a lot of posturing. Everybody thinks the ideas that come out of Washington are great. Frankly, listening to some of the ideas, I think those are good ideas. If we were a great big United States school board, if we were making the decisions, if we had the responsibility and the authority of making decisions for educating our kids, these might be ideas we would adopt. In any event, they are good ideas to be talking about.

There is a real disconnect, and that is what the Ed-Flex measure begins to address. I sincerely hope that our colleagues on the other side of the aisle will let us have a vote on this very, very important bill. We need to move on. There are a lot more things we need to do in education beyond this.

I am going to have a very radical proposal to get the Federal Government

strings off local education all the way. But I think Ed-Flex is a good bipartisan start, and it builds on a successful example that has been tried in 12 States. It is working. It is working because it gives the flexibility to local school districts to decide how they wish to use the money.

The people in the local schools—the school board members, the teachers, the administrators, the parents—know the names of the kids. They know Joe and Sally and Harry and Willie and Thelma and the kids who are being educated in that school district. They know what their challenges are. Some of the good ideas we have in Washington may not work in a particular school district. It may not be the right recipe. Who better to make the decision than the people who know the children, who know their potential, who know their problems?

I have found in meetings with educators and parents in every section of this State—in the metropolitan areas, in the urban schools, in the suburban schools, in the rural schools, in the big school districts and the small school districts—that there is one theme that has become a recurring and a growing crescendo. It is: The Federal camel's nose is under the education tent, and it is not doing good things. It is taking time away from the task of educating the kids. When a teacher has to spend hours writing a grant or a principal has to spend time to figure out if they are doing things the way the bureaucrats in Washington want them, he or she is not worrying about what is good for educating Sally or Tommy or Ralph or Cheryl or the kids who are actually getting educated.

I am very fortunate, my son is finishing up high school. We watched during his education; we wanted to know what was going on in the classroom, how was he working with his teacher. We as parents knew that. The people who run the local schools know that, but those coming up with great ideas in Washington have no idea of the names of the kids or what their problems are.

I thought maybe it would help my colleagues if I shared a few of the stories we are getting from schools in our State. These are smaller schools. It does not matter what the size of the school is, the child who is in that school is just as important whether she or he is in a major metropolitan school district or in a small rural district.

Here is a letter from the superintendent of the Bismarck R-V School District. In part it says:

... In our small school of 700 students, we receive less than \$15,000 in the combination of Title II, Title IV and Title VI funds. The restrictions on these funds make them very difficult to deal with for such a small amount of dollars. Some years we consider not using them, simply because the time and effort are not worth the small amount we receive. Removal of some or all of the restrictions would allow us to use the funding to better meet the needs of our school instead of spending the funds in the very restrictive designated areas of Federal funding.

Signed, Donald E. Francis, Superintendent, Bismarck R-V Schools.

North Mercer District R-3 Public Schools:

... As the system now works we are overwhelmed by federal and state forms and regulations. We also sacrifice many dollars to support federal and state bureaucracies that compound the forms, rules and regulations.

We encountered one program this school year with in excess of 150 pages of instructions. We would like to bring dollar, services and equipment directly to children for their educational benefit.

And one more. The Webb City School District R-7:

... Those of us who have spent a career in education have repeatedly experienced the jubilation of anticipation that arose from promises made by the Federal Government toward education. Unfortunately, however, excitement was then always tempered by the reality of the red tape that accompanied the promise. As the result, frustration was generally the only product forthcoming.

Signed, Ronald Lankford, Superintendent of Schools, Webb City School District R-7.

Mr. President, that is just a very small sample of the kind of response we are getting from our schools. I challenge any one of you here, any one of our colleagues, to go home and ask the educators who have the job—it is a wonderful opportunity, it is the most important job that we have in this country—of educating our students: Are the 763 different Federal education programs we have right now improving education? I get an overwhelming no. We have to worry about the Washington bureaucracy rather than the needs of the kids in our classrooms.

This reality has been recognized. The Nation's Governors—Democrat, Republican, and Independent—50 to 0, said, "We want to expand Ed-Flex; we want the opportunity in all of the schools in this country to get rid of and cut away some of the bureaucracy and some of the redtape and put that money directly back to education."

There is bipartisan support for this bill. The bill has been supported by the President, by the Secretary of Education, both of whom were former Governors. I am a former Governor. I served with both of them, and we know the importance of education. But the decisions on how we spend the last dollar of Federal aid are not best made here, they are best made at the local school district level.

I really hope we can move forward and get this money directly to the schools, giving them the flexibility to use those funds where they are most needed. I urge our colleagues to allow us to do so and pass this bill and go on to the many other important issues involving education that we will be facing later this year.

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

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I associate myself with the remarks of the sen-

ior Senator from Missouri. He speaks so clearly about the frustration that exists at local levels today of decision-making for education, in that sometimes what might work in New York City just does not seem to fit down on the farm or near the farm in Missouri or in a rural school district of Idaho, and that is the reason for a demonstration program of 12 States. That is why we have determined that a greater amount of flexibility is necessary in the area of education.

For the life of me, I cannot understand why Democrats want to block this bipartisan bill in the name of education. There is adequate time to debate other issues in education. I hope they will work with us. Coming out of the impeachment process I thought we were going to get a bipartisan environment from which to move the Nation's business forward. The Nation, I hope, is listening today. The Nation's business is education. And it isn't moving forward. It isn't moving forward not because of Republicans but because of some folks on the other side of the aisle who think their agenda of larger Federal involvement and greater Federal control is an approach to educate our young people. Let the parents, the educators and the school boards decide.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I rise today to express my support for the Kennedy/Murray class size amendment. As we know, Mr. President, education is serious concern for people across the country, and I am pleased to see an education bill as one of the first priorities in this Congress.

Mr. President, last year Congress provided a one-time appropriation in the omnibus budget bill to hire approximately 30,000 new teachers across the country. The Kennedy/Murray amendment we are considering today authorizes a continuation of this effort for the next 6 years. This sends the signal to local school districts that Congress understands the importance of smaller classes and is committed to funding for class size reduction. This amendment takes a positive step toward helping school districts reduce class size as part of an overall effort to improve education and ensure that our children have the best chance to excel and reach their full potential.

As my own state of Wisconsin can attest—smaller classes make a difference in student's lives. Wisconsin's Student Achievement Guarantee in Education or SAGE program, now in its third year, continues to be a model for the nation in how to implement successful education reforms in our public schools by reducing public school class size in the earliest grades. I am very proud that Wisconsin's SAGE program is leading the charge to reduce public school class size across the nation, and pleased that this amendment will help keep SAGE thriving in Wisconsin.

The recently released second year SAGE evaluation again empirically demonstrates what we instinctively

know; students in smaller classes get more attention from teachers and teachers with fewer students have more time and energy to devote to each child. Specifically, the first and second year evaluations confirm the achievements of SAGE students in all tested areas: mathematics, reading and language arts. The report shows total scores for SAGE students were significantly higher than those students at comparison schools.

The evidence shows that teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks and cover more material more effectively. Again, Mr. President, SAGE has shown conclusively that the significance of small class size should not be underestimated and cannot be ignored.

Class size should be at the forefront of the education agenda because there is a great national purpose in helping local schools reduce class size for children in the earliest grades. I would like to state Mr. President my strong belief that education should remain solidly a state and local function. However, I believe the federal government can have a constructive role supporting local efforts. Kennedy/Murray class size proposal is a perfect example.

Finally, Mr. President, I urge my colleagues to reach across the aisle to ensure that education is a top priority in the 106th Congress. I look forward to working in a bipartisan manner to reach consensus on these important issues to ensure that our children receive the highest quality education possible.

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#### REPORT OF THE 1998 TRADE POLICY AGENDA AND 1997 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

#### *To the Congress of the United States:*

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1999 Trade Policy Agenda and the 1998 Annual Report on the Trade Agreements Program. This report includes the Annual Report on the World Trade Organization, as required by section 124 of the Uruguay Round Agreements Act (19 U.S.C. 3534).

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 9, 1999.

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#### REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

*To the Congress of the United States:*

It is my pleasure to transmit herewith the Annual Report of the National Endowment for the Arts for Fiscal Year 1997.

The Arts Endowment awards more than one thousand grants each year to nonprofit arts organizations for projects that bring the arts to millions of Americans. Once again, this year's grants reflect the diversity of our Nation's culture and the creativity of our artists. Whether seeing a classic theatrical production in Connecticut or an art exhibition in Arizona, whether listening to a symphony in Iowa or participating in a fine arts training program for inner-city students in Louisiana, Americans who benefit from Arts Endowment grants have experienced the power and joy of the arts in their lives.

Arts Endowment grants in 1997 supported:

- projects in theater, dance, music, visual arts, and the other artistic disciplines, demonstrating that our diversity is an asset—and helping us to interpret the past, understand each other in the present, and envision the future;
- folk and traditional arts programs, which strengthen and showcase our rich cultural heritage; and
- arts education, which helps improve our children's skills and enhances their lives with the richness of the arts.

The arts challenge our imaginations, nourish our spirits, and help to sustain our democracy. We are a Nation of creators and innovators. As this report illustrates, the NEA continues to celebrate America's artistic achievements and makes the arts more accessible to the American people.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 9, 1999.

#### MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time and placed on the calendar:

S. 564. A bill to reduce class size, and for other purposes.

S.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States to protect Social Security.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2103. A communication from the Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the re-

port of a rule entitled "Hazardous Materials: Authorization for Continued Manufacture of Certain MC-331 Cargo Tanks with Specified Shortages" (RIN2137-AD31) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2104. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea" (I.D. 022699B) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2105. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. 022699C) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2106. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands" (I.D. 022699A) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2107. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Light Vehicle Brake Systems" (RIN2127-AH55) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2108. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Burnet, TX" (Docket 98-ASW-48) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2109. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Austin, TX" (Docket 98-ASW-49) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2110. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; San Angelo, TX" (Docket 98-ASW-52) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2111. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Austin, Horseshoe Bay, TX and Revocation of Class E Airspace, Marble Falls, TX" (Docket 98-ASW-51) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2112. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E

Airspace; Taylor, TX" (Docket 98-ASW-50) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2113. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Roswell, NM" (Docket 98-ASW-53) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2114. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ada, NM" (Docket 98-AGL-63) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2115. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes" (Docket 98-NM-118-AD) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2116. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BMW Rolls-Royce GmbH Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines" (Docket 98-ANE-74-AD) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2117. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Air Clearance Restrictions at the Entrance to Lakeside Yacht Club and the Northeast Approach to Burke Lakefront Airport in Cleveland Harbor, OH" (Docket 09-97-002) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2118. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lower Grand River, LA" (Docket 08-99-008) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2119. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey" (Docket 01-98-125) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2120. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Sunken Fishing Vessel Cape Fear, Buzzards Bay Entrance" (Docket 01-99-008) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2121. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Scharfman Batmitzvah Fireworks, East River, Newton Creek, New York" (Docket 01-99-004) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2122. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; River Rouge (Short Cut

Canal), Michigan" (Docket 09-98-055) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2123. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company, Inc. AE2100A, AE2100C, and AE2100D3 Series Turbofan Engines, Correction" (Docket 98-ANE-83) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2124. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company, Inc. AE3007A and AE3007A1/1 Turbofan Engines, Correction" (Docket 98-ANE-14) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2125. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Models 3101 and 3201 Airplanes" (Docket 98-CE-76-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2126. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Series Airplanes" (Docket 98-NM-148-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2127. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes" (Docket 97-NM-316-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2128. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300-600 Series Airplanes" (Docket 98-NM-301-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2129. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Series Airplanes" (Docket 98-NM-320-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2130. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes" (Docket 97-NM-236-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2131. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes" (Docket 98-NM-317-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2132. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; El Dorado, KS" (Docket 99-ACE-5) received on February 22, 1999; to the Com-

mittee on Commerce, Science, and Transportation.

EC-2133. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Dubuque, IA" (Docket 98-ACE-58) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2134. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fort Madison, IA" (Docket 98-ACE-57) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2135. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Kirksville, MO" (Docket 98-ACE-57) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2136. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Springfield, MO" (Docket 99-ACE-8) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2137. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Newton, KS" (Docket 99-ACE-3) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2138. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Perry, IA" (Docket 98-ACE-52) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2139. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Boonville, MO" (Docket 99-ACE-6) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2140. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Selinsgrove, PA" (Docket 98-ACE-45) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2141. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Leadville, CO" (Docket 98-ANM-08) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2142. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rockland, ME" (Docket 98-ANE-95) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2143. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" (Docket 29467) received on February 22, 1999; to the Commit-

tee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 567. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMAS:

S. 568. A bill to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. GRAMS):

S. 569. A bill to amend the internal revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

By Mr. HELMS:

S. 570. A bill to amend chapter 3 of title 28, United States Code, to eliminate 2 vacant judgeships on the Fourth Circuit Court of Appeals, and for other purposes; to the Committee on the Judiciary.

S. 571. A bill to amend chapter 5 of title 28, United States Code, to eliminate a vacant judgeship in the eastern district and establish a new judgeship in the western district of North Carolina, and for other purposes; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 567. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture, Nutrition, and Forestry.

### THE DAIRY PROMOTION FAIRNESS ACT

Mr. KOHL. Mr. President, I rise today to join Senator FEINGOLD to introduce the "Dairy Promotion Fairness Act." This measure will further our nation's dairy marketing board's efforts to promote the consumption of healthy dairy products produced by family dairy farms and to fund research critical to the development of new dairy products.

This effort is needed as a matter of fairness to our nation's dairy farmers. When enacted, our legislation will require that all dairy producers whose products are sold in the United States contribute to the promotional effort. Currently, domestic producers of dairy products like cheese, butter, and yogurt, all pay a promotional fee to help promote the dairy products produced in this country. Importers do not pay this fee.



I was extremely surprised to find out that dairy producers can import these goods into the United States and not contribute to the promotional sales efforts sponsored by our domestic industry. This change will require those selling incoming products to contribute the same assessment as the domestic dairy farmers do.

This bill supports the dairy marketing board's efforts to educate consumers on the nutritional value of dairy products. It also treats our farmers fairly—by asking them not to bear the entire financial burden for a promotional program that benefits importers and domestic producers alike. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 567

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Promotion Fairness Act".

#### SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) DECLARATION OF POLICY.—Section 110(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501(b)) is amended in the first sentence—

(1) by inserting after "commercial use" the following: "and on imported dairy products"; and

(2) by striking "products produced in the United States." and inserting "products.".

(b) DEFINITIONS.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) in subsection (k), by striking "and" at the end;

(2) in subsection (l), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following: "(m) the term 'imported dairy product' means any dairy product that is imported into the United States, including dairy products imported into the United States in the form of—

"(1) milk and cream and fresh and dried dairy products;

"(2) butter and butterfat mixtures;

"(3) cheese; and

"(4) casein and mixtures; and

"(n) the term 'importer' means a person that imports an imported dairy product into the United States.".

(c) CONTINGENT REPRESENTATION OF IMPORTERS ON BOARD.—Section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)) is amended—

(1) by inserting "NATIONAL DAIRY PROMOTION AND RESEARCH BOARD.—" after "(b)";

(2) by designating the first through ninth sentences as paragraphs (1) through (5) and paragraphs (7) through (10), respectively, and indenting appropriately;

(3) in paragraph (2) (as so designated), by striking "Members" and inserting "Except as provided in paragraph (6), the members"; and

(4) by inserting after paragraph (5) (as so designated) the following:

"(6) IMPORTERS.—

"(A) IN GENERAL.—If representation of importers of imported dairy products is required on the Board by another law or a treaty to which the United States is a party, the Secretary shall appoint not more than 2 members who are representatives of importers.

"(B) ADDITIONAL MEMBERS; PROCEDURES.—The members appointed under this paragraph—

"(i) shall be in addition to the members appointed under paragraph (2); and

"(ii) shall be appointed from nominations submitted by importers under such procedures as the Secretary determines to be appropriate.".

(d) IMPORTER ASSESSMENT.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended—

(1) by inserting "ASSESSMENTS.—" after "(g)";

(2) by designating the first through fifth sentences as paragraphs (1) through (5), respectively, and indenting appropriately; and

(3) by adding at the end the following:

"(6) IMPORTERS.—

"(A) IN GENERAL.—The order shall provide that each importer of imported dairy products shall pay an assessment to the Board in the manner prescribed by the order.

"(B) RATE.—The rate of assessment on imported dairy products shall be determined in the same manner as the rate of assessment per hundredweight or the equivalent of milk.

"(C) VALUE OF PRODUCTS.—For the purpose of determining the assessment on imported dairy products under subparagraph (B), the value to be placed on imported dairy products shall be established by the Secretary in a fair and equitable manner.".

(e) RECORDS.—Section 113(k) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(k)) is amended in the first sentence by striking "person receiving" and inserting "importer of imported dairy products, each person receiving".

Mr. FEINGOLD. Mr. President, I rise in strong support of legislation introduced by the senior Senator from my home State of Wisconsin. Today, Senator KOHL has introduced a measure important not only to Wisconsin's dairy farmers but to dairy farmers all over the country.

The National Dairy Promotion and Research Program collects roughly \$225 million every year from American dairy farmers, who each pay a mandatory 15 cents into the program for every 100 pounds of milk they produce. This program is designed to promote dairy products to consumers and to conduct research relating to milk processing and marketing.

While 15 cents may appear to be a small amount of money, multiplied by all the millions of pounds of milk marketed in this country, it adds up to thousands of dollars each year for the average domestic producer. Given the magnitude of this program, it is critical that Congress take seriously the concerns producers have about the way their promotion program is run. This legislation addresses one of the most important of those concerns: importers reap the same promotional benefits as their U.S. counterparts, yet they don't pay a dime into the program.

The National Dairy Promotion and Research Board conducts generic promotion and general product research. Domestic farmers and importers alike benefit from these actions. This bill, Mr. President, provides equity to domestic producers who have been footing the bill for this promotion program all by themselves for over 10 years.

The Dairy Promotion Fairness Act requires that all dairy product import-

ers contribute to the Dairy Promotion Program at the same rate as domestic dairy farmers. This is not an unusual proposal, Mr. President. Many of our largest generic promotion programs for other commodities already assess importers for their fair share of the program, including programs for pork, beef, and cotton.

This legislation is particularly important in light of the 1994 passage of the General Agreement on Tariffs and Trade (GATT). GATT has boosted imports of dairy products in the past several years. A dairy promotion assessment on importers would also be allowed under GATT since our own milk producers are already paying the same assessment.

We have put our own producers at a competitive disadvantage for far too long. It's high time importers paid for their fair share of this program. I urge my colleagues to support this legislation and to end the subsidization of foreign farmers on the backs of our own.

By Mr. THOMAS:

S. 568. A bill to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions; to the Committee on Energy and Natural Resources.

LEGISLATION TO ESTABLISH A FEE SYSTEM FOR COMMERCIAL FILMING ACTIVITIES

Mr. THOMAS. Mr. President, I rise today to introduce legislation which would allow the Department of the Interior and the Department of Agriculture to charge a fee when commercial filming activities take place on public lands in their jurisdiction. This legislation is another important part of our efforts to preserve and protect the pristine beauty of our national parks and other public lands. A similar version of this legislation was included in S. 1693, the Vision 2020, National Parks Restoration Act, when that bill passed the Senate. Unfortunately, the language was removed from that bill when it passed the House of Representatives.

The purpose of this measure is very simple. When commercial film companies use our nation's public lands, they should pay for that privilege. Our nation's parks and other lands provide an outstanding backdrop for the commercial film industry and we should ensure that these areas are not negatively impacted by that use.

This legislation is not designed as a "bash Hollywood" bill. I want to comment the commercial film industry for their efforts to work with me and other members of Congress to find a reasonable solution to this matter. Although there are those in the industry who do not want to pay for the use of these lands, by and large the film industry is willing to pay a fee for filming on public lands as long as it is reasonable, understandable and fair. I believe the bill I am introducing today meets all of those criteria.

Let me take a few moments to outline this measure. The legislation

would authorize both the Secretary of the Interior and Secretary of Agriculture to charge a reasonable fee for commercial filming activities on federal lands in their jurisdiction. The fee will be based on a number of criteria including; the number of days the filming takes place within the areas, the size of the film crew and the amount and type of equipment used. The agencies would also be directed to recover any costs incurred as a result of filming activities such as administrative and personnel costs. All of the fees charged for film activities would stay at the site where they are collected.

We have also included language in this bill to address the issue of still photography on public lands. As we worked to craft the parks bill last year, we heard from a large number of still photographers who were worried about the impact this legislation would have on them. In order to address those concerns, we have included language in our bill exempting still photography unless the agency determines that this activity will disrupt the public's use and enjoyment of the resource. I believe this is a fair way to address this question.

Mr. President, the time has come to establish a film fee system on our nation's public lands that is sensible and understandable. Once again, I want to stress that this bill is not designed to punish the film industry. Instead, this measure will benefit both the public and the film industry by establishing simple and understandable system for operating on federal lands. Establishing a sound fee system for filming on public lands can be a "win-win" for the public and the film industry and I hope the Senate will take quick action on this important measure.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. GRAMS):

S. 569. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

#### THE FARM INDEPENDENCE ACT OF 1999

Mr. GRASSLEY. Mr. President, today, along with Senators CONRAD and GRAMS of Minnesota, I am introducing a bill to exempt certain farm rental income from the self-employment tax.

The self-employment tax has been applied equally to farmers and other business people for the last 40 years. Our bill would ensure equality in the future. It states that farm landlords should be treated the same as small business people and other commercial landlords, and they should not have to pay self-employment tax on cash rent income.

The current law is drafted to ensure that self-employment tax applies to income from labor or employment. Farm landlords were only taxed when they participated in the operation of the farm. Income from cash rent represents

the value of ownership or equity in land, not labor or employment. Therefore, the self-employment tax should not apply to income from cash rent. Yet, this is not the way that the Internal Revenue Service drafted its technical advice memorandum on this matter. This has resulted in farmers and retired farmers now paying a 15.3 percent self-employment tax on cash rent.

The IRS has gone too far. The law should be what people have counted on for 40 years. Unless there is an act of Congress, history should be respected. The test of time will prove that the taxpayer was right and that the IRS was wrong, particularly now that there is a difference between the farm and city sector. Therefore, we are introducing this bill so that farmers and retired farmers will not be singled out unfairly by the IRS.

Specifically, this legislation would remove the code's ambiguity and recapture its original intent. The legislation would clarify that when the IRS is applying the self-employment tax to cash rent farm leases, it would limit its applicability to the lease agreement. This is not an expansion of the law of taxpayers. Rather, it would limit the anti taxpayer expansion initiated by the Internal Revenue Service. The tax law does not require cash rent landlords in cities to pay the self-employment tax. Indeed cash rent farm landlords are the only ones required to pay the tax. This is due to a 40-year-old exception that allowed the retired farmers of the late 1950's to become vested in the Social Security system.

The law originally imposed the tax on farm landlords only when their lease agreements with the renters required them to participate in the operation of the farm and in the farming of the land.

Forty years later, the IRS has expanded the application of self-employment tax for farmland owners. The tax court told the IRS that in one particular instant they could look beyond the lease agreement. On this very limited authority, the IRS has expanded one tax court case into national tax policy.

Our legislation will bring fairness between farmer landlords and urban landlords. It will clarify that the IRS should examine only the lease agreement. It would preserve the pre-1996 status quo. It would preserve the historical self-employment tax treatment of farm rental agreements, equating them with landlords in small businesses and commercial properties. The 1957 tax law was designed to benefit retired farmers of that generation so they would qualify for Social Security.

Congress does not intend that farm owners be treated differently from other real estate owners, other than they have been historically. We need clarity provided in our legislation in order to turn back an improper, unilateral, and targeted IRS expansion of settled tax law.

I urge my colleagues to join us in addressing this unfair position taken by the Internal Revenue Service.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 569

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Independence Act of 1999".

#### SEC. 2. WRITTEN AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking "an arrangement" and inserting "a lease agreement".

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking "an arrangement" and inserting "a lease agreement".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

#### ADDITIONAL COSPONSORS

S. 174

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 174, a bill to provide funding for States to correct Y2K problems in computers that are used to administer State and local government programs.

S. 336

At the request of Mr. LEVIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 398

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition

of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 471

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 486

At the request of Mr. ASHCROFT, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from South Carolina (Mr. THURMOND), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 517

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 559

At the request of Mr. GRAMM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 559, a bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building."

## NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, March 10, 1999, in SR-328A at 8 a.m. The purpose of this meeting will be to review the nature of agricultural pro-

duction and financial risk, the role of insurance and futures markets, and what is and what should be the Federal Government's role in helping farmers manage risk.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet on Tuesday, March 9, 1999, at 9:30 a.m. in closed session, to receive testimony on U.S. Government policies and programs to combat terrorism.

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

### COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet on Tuesday, March 9, 1999, at 10:45 a.m. in open session, to receive testimony on U.S. Government policies and programs to combat terrorism.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, at 10 a.m. and 2 p.m. to hold two hearings.

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

### COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, at 10 a.m. in room 226 of the Senate Hart Office Building to hold a hearing on Interstate Alcohol Sales and the 21st Amendment.

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

### SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, to conduct a hearing on the International Monetary Fund.

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

### SUBCOMMITTEE ON INVESTIGATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Tuesday, March 9, 1999, at 9:30 a.m. for a hearing on the topic of Deceptive Mailings and Sweepstakes Promotions.

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

## ADDITIONAL STATEMENTS

### TRIBUTE TO MALE HIGH SCHOOL

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Male High School's Championship Football team in Louisville, Kentucky on the occasion of their annual awards banquet.

The Male High School Bulldogs have long held a reputation for excellence in Kentucky and throughout the nation. With the leadership of The Bluegrass State's finest high school football coach, Bobby Redman, it's no wonder the team has gone so far. It is clear to players, parents, coaches and students alike when they see Bobby on the field with his team that his heart and soul are rooted in Bulldogs football. Bobby's marked dedication to his team and his school are admirable, and I'm certain my feelings are shared by the entire Male family.

Tonight I congratulate you, the Male High School football team, on your commitment to excellence both on the field and in the classroom, and thank you for working so hard to continue giving high school football in Louisville an honorable name. Players become great because of their hard work and commitment to themselves and their team. You have each spent countless hours before and after school lifting weights, memorizing plays, and practicing and preparing for games. You have each spent Friday afternoons at pep rallies getting ready for evening games, felt the stress of wanting to play your best and win, and experienced the emotional high as you finally rush the field. You have dedicated your high school careers to Male and to its football team, and my colleagues and I commend you.

Not only is Male High School known for their powerhouse of a football team, most recently leading the Bulldogs to victory as 1998-99 4-A State Champions, but they also are known for their commitment to academic success. Male has been recognized as a National Exemplary School twice in recent years by the United States Department of Education, and has received the Flag of Excellence by the State of Kentucky for consistently high academic achievement. Ninety percent of Male graduates continue their education at colleges and universities, and many of them receive partial or full scholarships to attend. It is commendable that students so profoundly talented on the football field are also concerned about their academic achievements.

I am certain that the legacy of excellence that Male High School football players and coaches have left will continue on, and will encourage and inspire others toward that same goal. On behalf of myself and my colleagues, thank you for your contribution to the Louisville community, the State of Kentucky, and to our great nation. •

30TH ANNIVERSARY OF WTOP  
RADIO

• Ms. MIKULSKI. Mr. President, I would like to congratulate one of our local news outlets, WTOP Radio, on their 30th anniversary. Thirty years ago, on March 9, 1969, WTOP began its news broadcasts. Today, WTOP has become a vital source of news and information in the nation's capital. Along the way, Dave McConnell, WTOP's congressional correspondent, has become a familiar voice to Washington residents and one of our nation's most respected journalists.

America's Constitution is unique and special in the responsibility it has bestowed on our nation's press corps—in print, on TV, and on the radio. With our revered First Amendment, the nation gives reporters the awesome responsibility to help communicate the needs of the nation and report on the day-to-day governmental events that affect all Americans. In return, we hope those reporters recognize that responsibility and carefully tend their role as stewards of public information.

WTOP has taken that responsibility seriously and sought to provide high-quality, timely information for residents in the greater Washington area. For thirty years, WTOP has covered the news as it happened—in Washington and around the world. From the War on Poverty to the War in Iraq, WTOP's reporting has kept millions of Washingtonians informed. They have tracked legislation that affects residents in Virginia, the District of Columbia, and Maryland, and helped bring perspective to issues facing the nation.

As important, WTOP provides a critical service to local residents in alerting them to breaking local stories. In addition to their comprehensive news coverage, they have warned residents of dangerous weather, alerted commuters to traffic snarls, and celebrated sports victories of our Orioles, Ravens, and Redskins. WTOP's committed staff are part of the daily lives of countless Washingtonians who listen as they brush their teeth, drive to and from work, or cook the evening meal. My constituents in Maryland's DC suburbs rely on them to get information they need to know to stay informed, stay healthy, and stay tuned.

I commend the WTOP family and its listeners on 30 years of service to the greater Washington area and welcome 30 more years. Our nation's capital, and our nation, are proud of their work and appreciative of their commitment.●

## TRIBUTE TO MR. DONALD DEROSI

• Mr. TORRICELLI. Mr. President, I rise today in recognition of Donald DeRossi who is this year's recipient of the Distinguished Service Award at the Hendricks House's 5th Annual Awards Dinner. As a small business owner, he has set an outstanding example of

quality, production, and leadership. These business qualities have been reflected in his extensive community and charitable activities.

Mr. DeRossi began working at DeRossi & Son Company in Vineland, New Jersey in 1960 under his father, Dominick and his grandfather, Angelo. From them, Mr. DeRossi learned all aspects of the clothing business. Today, DeRossi is seen as a premier clothing supplier of military dress coats for the US Defense Department. Under Mr. DeRossi, who currently serves as president, the company has received numerous awards. Most recently, DeRossi received the United States Small Business Administration "Administrator's Award for Excellence," as well as the Defense Supply Center's Small Business contractor of the year award.

Mr. DeRossi has put the same enthusiasm and energy into his community and charitable work as he has put into his business. He has dedicated countless hours of service to such commendable causes as the United Way, the YMCA, the American Heart Association, the American Cancer Association, the March of Dimes, the 4H Club, and Muscular Dystrophy. He has sat on the Boards of such community organizations as the Urban Enterprise Zone, Ellison School, the University of Medicine and Dentistry of New Jersey, and the Vineland Chamber of Commerce.

On the eve of his receipt of this award, Mr. DeRossi deserves to be recognized for his outstanding services to both the business community and his community of Vineland, New Jersey. He is an exemplary businessman, and I am grateful to have the opportunity to show my appreciation for all he has accomplished.●

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. At this point morning business is closed.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

EDUCATION FLEXIBILITY  
PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

Jeffords Amendment No. 31, in the nature of a substitute.

Bingaman Amendment No. 35 (to Amendment No. 31), to provide for a national school dropout prevention program.

Lott (for Jeffords) Modified Amendment No. 37 (to Amendment No. 35), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) Amendment No. 40 (to Amendment No. 31), to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies. (By 0 yeas to 88 nays, 1 voting present (Vote No. 33), Senate failed to table the amendment.)

Jeffords Amendment No. 55 (to Amendment No. 40), to require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Kennedy/Daschle motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with the following amendment: Kennedy (for Murray/Kennedy) Amendment No. 56, to reduce class size.

Lott (for Jeffords) Amendment No. 58 (to the instructions of the motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Lott (for Jeffords) Amendment No. 59 (to Amendment No. 58), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

The PRESIDING OFFICER. The majority leader is recognized.

## UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 4 p.m. today occur instead at 2:45 and that the time between now and 2:45 be equally divided between the chairman and the ranking member of the committee.

I further ask that immediately following the vote the Senate stand in adjournment until 12 noon on Wednesday, and that the routine requests through the morning hour be agreed to, the morning hour be deemed to have expired, and the Senate proceed for 1 hour of debate to be equally divided between the chairman and ranking minority member of the committee relative to the cloture votes.

I further ask unanimous consent that at 1 p.m. on Wednesday the Senate proceed to the Kennedy motion regarding class size, and the mandatory quorum under rule XXII be waived. I also ask that immediately following that vote, if not invoked, the Senate proceed to a cloture vote relative to the Lott amendment regarding IDEA and choice.

Finally, I remind all Senators that under the provisions of rule XXII, all second-degree amendments must be filed by 12 noon on Wednesday, March 10, in order to qualify postcloture.

Before the Chair rules, I just want to advise the Members that the purpose here is that staff and others be able to avoid what may be a very difficult afternoon rush hour with the snow coming down. And indications are it is probably going to increase even more. But we do want to have this cloture vote, so we will have 30 minutes equally divided for debate and then the vote, and then we will be back up with this very important bipartisan education flexibility bill on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

Mr. KENNEDY. Mr. President, as I understand it, we are going to have 15 minutes a side. Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts is correct. There will be 30 minutes equally divided between now and 2:45.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in just half an hour the Senate will vote on the second cloture motion to terminate debate on the Ed-Flex bill, and then tomorrow we will have two more cloture votes. It is our position that these cloture votes are completely unnecessary—what we would like to be doing here this afternoon and in the course of tomorrow is voting on education policy.

We were given assurances by the majority leader at the annual National Governors Association Conference that we would have the debate for 1 or 2 weeks. Now the minority leader has proposed limiting our side to just five different amendments, and we would be glad to have a number of amendments on the other side. We are glad to enter into time limits. There is no reason we cannot end the whole education debate tomorrow.

We have no assurance—none—from the majority leader, none from the chairman of the Health and Education Committee, that we will have another vehicle before the end of this year to debate education. This may very well be the only opportunity that we have. Why not have a reasonable time to debate and discuss the issues that are before the Senate in education, primarily the issue of class size reduction from grades K to 3, which is enormously important and very successful in terms of enhancing student performance. What about the afterschool programs? What about enhancing the effort to terminate school dropouts? The range of different, important policy issues—all we want to be able to do is debate them. We are being denied that by the majority.

That is part of our frustration. We believe the discussion on education is one of the most important debates that we will have. We are here, ready to debate. We were here last week on Friday

and were closed out. We were here on Monday and are here Tuesday and continue to be closed out from being able to consider these amendments. That is the wrong policy.

Parents do not understand why we cannot debate it. Various organizations representing teachers, parents, school boards, and local communities are all pleading to the U.S. Senate to go ahead and have the debate on these issues.

There is widespread approval for continuing Federal support for reducing class size nationwide. This initiative is supported by the National Parent Teacher Association, the National School Boards Association, the National Association for the Advancement of Colored People, the Council of Chief State School Officers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of State Directors of Special Education, the National Education Association, the International Reading Association, the American Federation of Teachers, and the National Association of School Psychologists.

These groups are all saying please, go ahead with this debate. Go ahead and have the votes on these matters. We will abide by whatever the Senate does, but do not close us out.

Mr. President, that is what is happening here this afternoon. I hope we will not have the cloture vote to close it out. I am still hopeful somehow at this late hour we will be able to work out a process so we can consider the educational amendments which families all over this country want us to consider.

I yield 5 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, we are on the right subject. The question here is education. But in this great deliberative body, as it is called, we have some who do not want us to debate the principles of education and ideas that exist, here in the Chamber of the Senate.

Let me show a graph, if I might. It will be hard for people to see this, but it describes where we are. We have an education bill on the floor of the Senate. To that education bill is offered an amendment by Senator GRAMM, an amendment to the Gramm amendment by Senator Jeffords, then a Jeffords substitute, then a Bingaman amendment, and then the Lott substitute. Then we come in with the Kennedy motion to recommit in order to do the class size amendment. Then we have a Lott amendment to that, followed by a Lott amendment to the Lott amendment.

What does all that mean? It is a legislative way of plugging up this system so nothing can happen unless those who run the place want it to happen. It is a legislative mechanism to prevent debate and action on the ideas that we have about education.

What are those ideas? The bill on the floor is called Ed-Flex. That is an idea

about flexibility. There are other ideas—one we debated last year, reducing class size K-3; 100,000 new teachers who reduce class size, because kids learn better when they are in classes of 15 than if they are in classes of 30 kids. That is common sense. That is an idea, the Kennedy-Murray amendment.

School construction—repairing and renovating and building schools where we have schools in disrepair. I have talked at length about schools that are in disrepair; classrooms with sewer gas coming up into the classrooms and kids have to be removed; classrooms that are unsafe. I have talked at length about those issues here on the floor of the Senate.

Afterschool programs is another idea. An idea I want to offer, an amendment I want to offer that I am prevented from offering by this plugging system here in the legislative assembly is a school report card. Every 6 or 9 weeks all across this country parents get report cards about how their kids are doing. How is the school performing, however? What about how is the school doing? What does it mean if your kid gets the best grades in the worst school? What does that mean? How does your school do compared to other schools? How does your State do compared to other States? What are you getting for hundreds of billions of dollars we are spending to educate our kids? How about grading our schools? I want to offer that amendment. I want that grading system to be a system that every parent in every corner of this country can understand and recognize and use.

Mr. President, I graduated in a high school class of nine. We didn't have particularly advanced mathematics courses, but I know enough about what is going on from that kind of education to understand what is going on here on the floor of the Senate. We have an education bill on the floor of the Senate. A number of us have amendments we want to offer to that bill, have a debate, and have votes on our amendments. Those who run this place say no, it is not how we are going to operate. It is our ideas or no ideas. It is our agenda or no agenda. It is a vote on our bill or on our amendments, or no votes.

That is not the way this place ought to operate. Education is a priority and should be a priority in the legislative agenda of this Senate. But it ought not be a narrow agenda that says we will only consider a piece of legislation called Ed-Flex and then prevent everyone else from offering their amendments.

I heard a speaker yesterday say about this class size amendment, that is the Senate wanting to run the local school districts. Nonsense. Let me read a comment from a Republican last year when we passed a piece of legislation that called for some additional teachers. Congressman GOODLING, a Republican, said, "This is a real victory for the Republican Congress, but more importantly, it is a huge win for local

educators and parents who are fed up with Washington mandates."

So I hear somebody stand up over there yesterday and say what we are trying to do somehow is to run the local school systems—absolute nonsense. It is nonsense, as indicated by Mr. GOODLING, a Republican, who last year said this is good public policy; this is policy everybody ought to support.

In fact, this is Republican policy, he said. Now it appears we cannot even get a vote on it. So I urge the majority leader and others to bring a piece of legislation to the floor, open it up, let's have a debate, let's offer amendments—let's get the best of what everyone has to offer here on the floor of the Senate.

I yield the floor and reserve the remainder of the time.

Mr. BYRD. Mr. President, as we approach the vote to invoke cloture on S. 280, the Education Flexibility Partnership Act of 1998, I wish to express my dismay with the procedural battle evoked by this legislation. We have now spent close to three full days on this bill, but the Senate has expended most of its time and energy on procedural tactics intended to preclude one party or the other from debating those topics of utmost importance to them. I find this greatly disturbing. Education is a serious topic which deserves the substantive attention of this body. It merits an in-depth examination from a multitude of levels and angles so that our nation's children can someday reap the full benefit of a well-rounded learning experience. With so many priority items to discuss and debate in this Congress, there is, of course, great difficulty with accommodating and balancing the wishes of 100 Senators, but I hope that we could come to an understanding by which Republicans and Democrats alike could use this opportunity to further discuss and debate education policy. People all across the United States from California to Maine tell us that education is their top priority. Obviously there are concerns. Can we not set aside our differences and use this opportunity to help address the many problems facing our nation's education system?

As part of this debate on the Education Flexibility Partnership Act of 1998, I would like to take some time to discuss the issue of education accountability, a topic which has received much attention from my colleagues during these past few days. I am pleased to note that greater accountability has been built into this legislation to ensure that states granted this so-called Ed-Flex status are held to higher standards of accountability in exchange for increased flexibility at the state level. I am, however, reluctant to support the notion of expanding this Ed-Flex designation nationwide, given the limited performance results from the twelve demonstration states and the lack of accountability data on which a state or school currently reports. Perhaps, before embarking on

this mission of handing over greater authority to states to waive federal education requirements, we should consider the somewhat startling fact that more than sixty percent of parents have never seen an individual report card on the performance of their area school.

I find it ironic that, in an age where a wealth of information abounds about any imaginable field, precious little information exists about the performance of our nation's schools. Mr. President, I bring to the attention of the Senate a recent publication by Education Week and A-Plus Communications, entitled "Reporting Results," that discusses this new buzzword of 1999. While I find encouraging the fact, as reported in Education Week, that thirty-six states are expected to issue school accountability data or "report cards" this year, that practice, it seems to me, should be undertaken by all fifty states.

Furthermore, of the thirty-six states that will have report cards in 1999, only thirteen states ensure that the report cards actually get sent home to parents and few include all the information that parents report that they actually want to see most. Moreover, the information on these report cards rarely finds its way to the community at large, which has an interest in the education of its young people. I am baffled by this phenomenon! Why go through the process of creating such a document for it to end up as yet another soiled piece of paper in the garbage can? And without this kind of documentation from schools, should we really be proceeding with the expansion of Ed-Flex authority to waive certain federal education requirements without significant knowledge of how our nation's schools are performing in the first place?

Of all the decisions in life that a parent has to make, the decision about where to send a child to school is one of the most difficult and important. I find it unbelievable to think that parents often, for the lack of better information, rely upon word-of-mouth to make such important decisions. Where are the numbers on student achievement, test scores, teacher certification, and graduation rates? Parents need to have this information before them as a key resource for making an informed decision.

I feel for parents who, despite their best efforts to learn about the quality of their local schools, cross their fingers as they send their children off each day in the hope that their children will be spending those hours in an enriching and safe environment. I find it terribly disconcerting that the quality of our schools in different corners of the same community can differ so dramatically as to force families to move from neighborhood to neighborhood on the trail of the best schools. I find it sad that so many families have felt compelled to give up on public schools in favor of private schools or home schooling.

Mr. President, I believe that greater education accountability is the key to unlocking this trend burdening so many families today. With more information, and I am talking about the real stuff—test scores, teacher qualifications, graduation rates, tracking of students from grade school into college and after—parents will have substantive data at their fingertips to truly determine what is in the best interest of their child and their family as a whole. Perhaps, at the same time, this could provide a better framework for gauging how Ed-Flex is impacting student achievement levels and enhancing teacher preparation.

Competition is at the heart of creating better schools for the nation. During this debate, my colleagues will raise the important issues of school construction, class-size reduction, and others of great concern to the American people, but I believe that fostering a competitive environment among schools is perhaps one of the more simple and effective ways of improving our nation's schools for the 21st century.

By forcing schools to annually report on performance data, such as test scores and other quantitative measures, teacher qualifications, and safety indicators, parents will have a framework for weighing one school against another, and communities will have data they need to force improvements in their school systems. As Education Week pointed out in its report, so many of the report cards that actually make their way into a parents' hands are difficult to read, with extraneous information of little benefit to educators and parents. Mr. President, there needs to be uniformity in gathering key data that parents are seeking and a model that all parents can follow. Holding schools accountable for the students they are producing and the teachers they have chosen, while making this information readily available to parents, will turn up the heat on schools, and apply much long-needed pressure to those at the helm to up the ante on teacher qualifications and curriculum requirements.

But test scores and other achievement data will mean little to parents if we continue upon this so-called trend of "teaching to the test." What good will come of teaching students skills simply to ace a standardized test? Mr. President, if we hope to produce well-rounded students prepared for the challenges ahead in today's workforce, a standardized test should not drive the curriculum. Life is not multiple choice. Life is an essay, to be written well or poorly by educated students.

Education accountability is a serious issue which has been left behind for many years at the expense of our nation's parents and educators. It is time to examine the necessity for reporting data both as part of this Ed-Flex legislation and at the local level in the form of school report cards. I look forward to working with the Health, Education,

Labor, and Pensions Committee in ensuring that our nation begins to navigate this challenging territory.

Mr. President, I yield the floor.

Mr. REID. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. REID. I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I join my colleagues in expressing my concern about the gridlock we find ourselves in here on this bill. Let me, first of all, commend the majority leader and majority for bringing up an education bill. I think most Americans feel that this is one of the most important issues for us to be addressing. So I want to begin these brief remarks by commending the majority for bringing up an education bill.

The regrettable part is that having now brought up this matter of the so-called Ed-Flex bill, we are now being deprived of the opportunity to discuss a number of critical issues which affect the quality of education in the country. We are not suggesting here that this be an unlimited debate with countless amendments. There are just several very key and important issues the American public would like to have us help address.

One is class size. Most Americans know if a teacher has too many students, not only can the teacher not teach, the students do not learn. This is not any great leap of logic to understand this. Too many of our classes are too big. We know that. One of the proposals we would like to raise in the context of this education bill is that amendment. You could vote it down, if you would like. But I do not think this institution, or the American public, ought to be deprived of having the Senate of the United States debate an amendment that would assist reducing the size of classes in America. That ought not be denied the American people. Yet under this present sort of Rubik's Cube we have created here legislatively, we cannot even get to that amendment.

Americans would like to see us address the issue of afterschool programs. It is a major problem. Parents worry about where their children are between the hours of 3 and 6 o'clock. It is a major problem. We may disagree over how best to achieve the results of having a good afterschool program. But here we are unable to debate it, befuddling the American public. For the life of me, it is hard to explain why when we have an education bill before the U.S. Senate, we cannot even bring up an amendment and discuss and debate and vote on an amendment. An amendment that would simply offer an idea and a plan on how we might alleviate this growing concern among Americans about what happens to their children after school hours when they are not at home, when parents cannot provide for

their needs and are concerned about the trouble they can get into, the difficulties they can encounter. That ought not be a great leap of logic to expect us to be able to discuss in this context of an education bill that the majority has brought up.

Americans would like to see us address the issue of the condition of our classrooms, our school buildings. This morning, I met with some of our mayors down from the State of Connecticut. One of the issues raised by one of those mayors is that the school buildings in his town are more than 40 or 50 years old. They need new buildings. Now, they are willing to participate in the cost of that. But they would like to see some of the dollars they send to Washington come back to help improve the quality of these classrooms and these buildings. I do not think that ought to be too difficult. If the majority doesn't agree with that, doesn't think that is a priority, vote against the amendment, but do not deprive us of raising it, debating it and voting on it. That is not too much to ask.

Again, I commend the majority. They have said this is an important issue; education is critical. We are bringing up the education bill. How ironic that having brought up this bill, they now deprive us from raising three or four amendments that we think would contribute to the well-being of the educational system of this country. We cannot even discuss, debate, and vote on them.

I had hoped that we could do better on one of the first actions of this Congress, having gone through the difficulty of this impeachment proceeding, and get back to the issues that affect the American public. We took an awful lot of time on the issue of impeachment. Now, the public, our constituents, would like to see us spend some time on their issues, the things they worry about every day. When you bring up an education bill and then deprive us of the right to debate, discuss, and vote on critical issues that they think are important, they wonder what we are doing, what our agenda is—a Rubik's Cube of parliamentary maneuvering or actually addressing these underlying and critical questions that the American people care about.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield whatever time is remaining—

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. REID. Mr. President, I ask unanimous consent, until someone shows up on the other side, that Senator BINGAMAN be allowed to speak.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from New Mexico.

Mr. BINGAMAN. Thank you very much. I thank my friend and colleague from Nevada for yielding me some time.

Mr. President, I agree with the sentiments that were just expressed by the Senator from Connecticut about his

frustration about not being able to vote on some of the crucial issues that relate to education in this country.

I wanted to particularly draw attention to this issue of the Dropout Prevention Act that I offered last week, along with my colleague from Nevada, Senator REID. This is legislation which is not new to the U.S. Senate. It is legislation that passed in the last year. There were 74 votes in favor of this Dropout Prevention Act. What we are trying to do now is get this same legislation, identical legislation considered as part of this Ed-Flex package of legislation. We think that will be good for the American people. We think it would advance the handling of this very important issue. Otherwise, we will be put off for perhaps a year, perhaps 18 months into the new year. I believe very strongly that we ought to go ahead and deal with this.

In my State, when I go around my State and say what is the No. 1 concern that people have about education—

The PRESIDING OFFICER. The Senator from New Mexico will suspend his remarks. The time has expired on the minority side. By unanimous consent, it was extended until someone came to the majority side. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am sorry to interrupt, but it is our time.

Today marks the fifth day of discussion by the Senate on the Education Flexibility Partnership Act of 1999. We have spent time discussing several education issues that are important to debate, but do not necessarily pertain to the underlying bill.

The Education Flexibility Partnership Act, which has overwhelming support on both sides of the aisle—all the Governors in the Nation; the President supports it; everybody supports it—what is it? The Secretary of Education gives a State some authority to determine whether some schools may be granted waivers pertaining to certain requirements for the purpose of enhancing services to students through flexibility and real accountability.

It is important to note that States cannot waive any requirements pertaining to health and safety, civil rights, maintenance of effort, comparability of service, equitable participation of students and professional staff in private schools, parental participation and involvement, and the distribution of funds to State or local agencies.

Currently, 12 States have ed flexibility authority. Through Ed-Flex, these 12 States have been better able to coordinate programs which create a seamless education delivery system that benefits both teachers and students.

During the first day of debate, I offered a managers' package which contained various accountability provisions which we worked out through a bipartisan agreement. Those provisions and additional accountability provisions which were added last Thursday



will improve school and student performance, which should be the mission of every education initiative. I will remind my colleagues that the Elementary and Secondary Education Act is up for review this year. The Elementary and Secondary Education Act is the foundation for most of the Federal programs that assist students and teachers in our elementary and secondary schools, and it accounts for \$15 billion in Federal spending, excluding IDEA—that is, special ed money and vocational education.

We are currently engaged in the hearing process. One of the first hearings we held regarding this legislation looked at various education proposals offered by Members of this body. I look forward to working with all of my colleagues as we draft the first Elementary and Secondary Education Act of the 21st century. We only do that once every 5 years. The Elementary and Secondary Education Act is the most important education legislation we will consider this year. There are a number of good ideas being discussed which deserve a thorough review. That is what these amendments are about. They deserve a thorough review before we leap off prematurely, ahead of the committee process, to put the President's programs, which have not been reviewed, in place without thorough hearing and understanding.

It is for this reason that we should not be debating many of the amendments that have arisen in the Ed-Flex debate. We should be debating these proposals in conjunction with the Elementary and Secondary Education Act. Last year, as I pointed out earlier, we passed 10 education bills, all out of the committee, by either unanimous or close to unanimous votes, because we worked in committee to work the matters out, like we should, and not to do it on the floor before any hearing.

I urge my colleagues not to short circuit the process of offering major elementary and secondary education initiatives on Ed-Flex. The Education Flexibility Partnership Act is not designed to be the sole response by the Federal Government to improving school and student performance. However, Ed-Flex does give States the ability to augment education services for students and teachers.

I also point out that the amendment that I have is perfectly consistent with this policy. What it says is, okay, we appropriated last year \$1.2 billion for a program—and this was decided in the back halls of the Capitol somewhere; I was not present—that we should take the President's 100,000 teachers, put the first year in effect. We are saying, wait a minute, we haven't had any review of that, but we will do this. We will let the local governments for this year decide whether they would prefer to have it, not knowing what is going to happen in the future, until we work it out in the Elementary and Secondary Education Act.

We would like to give them the flexibility at the local level to determine as

to whether or not they would prefer this year to use that money to augment their special education funds or whether they want to start off on a course, which may not be followed, to start hiring new teachers. I point out, there are a lot of questions about a bill which gets you on the route to new teachers. If you have 100,000 new teachers, you need 100,000 new rooms. If you have 100,000 new teachers and you do not know where the funds are going to come from in the future, how are you going to pay for it? These are all important questions to be answered when that bill gets into final shape, if it does get into final shape.

Mr. President, I hope that we can make progress. I urge my friends on the other side of the aisle, we are at a point where we can either vote this out and get on with other business or we can just spend the rest of the year in this kind of a debate and inability to act together.

I am proud of our committee. We have worked so many things out in a bipartisan manner. And to think that we could get stalled and find ourselves without the ability to pass a simple bill which merely gives flexibility to the States—I do not understand how we could go forward with that kind of process. We have important bills coming up. We have health care bills, we have all sorts of bills out of my committee, extremely important bills, and we are getting off to a rough start here by the inflexibility of the minority.

Mr. DORGAN. I wonder if the Senator would yield for a brief question.

Mr. FRIST. Mr. President, I would like to also have the Senator yield to me for a minute.

The PRESIDING OFFICER. Does the Senator yield to the Senator from North Dakota?

Mr. JEFFORDS. Just briefly I will yield.

Mr. DORGAN. I appreciate the courtesy.

One of the difficulties we have is being able to offer amendments. And the Senator seemed to suggest at some other point education issues will be brought to the floor with an open opportunity for people to offer a series of ideas and amendments. Is the Senator speaking for the majority leader on that? Because we have had great difficulty in obtaining that status on the floor.

Mr. JEFFORDS. So far I have had no problem with the majority leader, and I do not expect we will. This committee had worked together very well last year, and I expect we will this year.

I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

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

The underlying bill is the Ed-Flex bill, which is a bill that I and Senator WYDEN introduced in a bipartisan way, supported by all 50 Governors, a straightforward bill which strips away

Washington redtape, which empowers our teachers to teach instead of filling out paperwork. Seven percent of the Federal money is coming down with over 50 percent of the Government regulations there. Strip it away so that they can really teach, accomplish the objectives we set out for them, meet the standards of accountability, and we will be able to innovate, offer some creativity.

This bill all of a sudden has taken off, and we are having innumerable amendments placed on it, and most of them are huge new programs, new spending, all of which has an appropriate forum to be addressed. I just hope, for the American people, that we are not in a gridlock here. The fact that we are going to be voting on cloture in about 2 or 3 minutes demonstrates there is gridlock here. Let's help our American children, let's help the American people, by passing this bill, voting on it, Ed-Flex, not all these new spending programs.

Thank you, Mr. Chairman.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER. Three and a half minutes are remaining.

Mr. GREGG. Mr. President, I join my colleagues, the chairman of the committee and Senator FRIST, who is the author of this bill, in stating that I find it really disheartening that the Members on the other side have decided to use this bill, which was bipartisanship supported, was supported by the President, in order to make political points, not substantive points.

The amendments which the other side is offering on this bill are not appropriate to this bill. They basically represent amendments which accomplish obfuscation and delay of what is a very good bill. The underlying bill will give local communities flexibility in how they deal with Federal regulations.

I understand that that is anathema to some people on the other side of the aisle. I understand that some people on the other side of the aisle would like to have the ability to regulate and control and direct and have the input into how the day-to-day education should occur in our school systems. That happens to be their philosophy. They want to centralize decisions here in Washington. We want to take decisions and give them back to communities.

Their reason for opposing this bill, by throwing out all these amendments, isn't that they actually think these amendments are substantively going to go anywhere. It is because they want to make a political statement, and because they want to slow down a bill which is a good idea and which releases the local school districts from the huge weight of Federal regulation. It really is unjustified. It contradicts the purposes which the President has already subscribed to in saying that he supported this bill.

So when the American public asks the questions, "Why don't we have more flexibility at the local level? Why do we get stuck with all these Federal regulations?" the answer is very simple. Look to the Democratic membership of this Congress. They are the ones who are slowing up a bill which would give the communities flexibility.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, would the chairman of the committee, the manager of the bill, yield for a question?

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

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

Mr. LOTT. Before the Senate conducts the cloture vote and then adjourns for the day, it is my intention to file another cloture motion with respect to amendment No. 37, as modified, the Lott IDEA, special education/choice amendment.

I still hold out hope that during the session tomorrow Senators will be able to agree to a small, limited number of amendments remaining to the pending education flexibility bill and that our Democratic colleagues will then allow the Senate to conduct a passage vote on this very important bill, which has broad support, which would give the rest of the country, along with 12 other States, this flexibility to allow the paperwork, bureaucracy, to be waived so we could get the education money to the schools, to the children, where it really belongs. I hate to see this delay taking place on this broad bipartisan bill. In the event that such an agreement cannot be reached, I feel the need to file another cloture motion.

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule

XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 37 to Calendar No. 12, S. 280, the Education Flexibility Partnership Bill:

Trent Lott, Judd Gregg, Sam Brownback, Jeff Sessions, Paul Coverdell, Bill Frist, Kay Bailey Hutchison, Chuck Hagel, James M. Jeffords, Michael B. Enzi, Mike DeWine, Tim Hutchinson, John H. Chafee, James M. Inhofe, Larry E. Craig, and Don Nickles.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote, if necessary, will occur on Thursday of this week.

#### CALL OF THE ROLL

Mr. LOTT. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I believe, Mr. President, we are ready for the vote.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 31 to Calendar No. 12, S. 280, the education flexibility partnership bill:

Trent Lott, Jim Jeffords, John H. Chafee, Bob Smith, Thad Cochran, Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgerald, Judd Gregg

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 31 to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. GRAHAM), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that the Senator from Washington (Mrs. MURRAY) is absent due to a death in the family.

I also announce that the Senator from Minnesota (Mr. WELLSTONE) is absent attending a funeral.

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

The yeas and nays resulted—yes 55, nays 39, as follows:

[Rollcall Vote No. 35 Leg.]

#### YEAS—55

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

#### NAYS—39

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

#### NOT VOTING—6

Biden	Murray	Torricelli
Graham	Rockefeller	Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

#### ADJOURNMENT

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until noon on Wednesday.

Thereupon, the Senate, at 3:14 p.m., adjourned until Wednesday, March 10, 1999, at 12 noon.