



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, WEDNESDAY, JUNE 13, 2001

No. 82

## Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. BYRD].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of hope, this is a day for optimism and courage. Set us free of any negative thinking or attitude. There is enough time today to accomplish what You have planned. We affirm that You are here and that we are here by Your divine appointment. We also know from experience that it is possible to limit Your best for our Nation. Without Your help we can hit wide of the mark, but with Your guidance and power we cannot fail. You have brought our Nation to this place of prosperity and blessing. You are able to bless us if we will trust You and work together as fellow patriots. Fill this Chamber with Your Presence, invade the mind and heart of each Senator, and give this Senate a day of efficiency and excellence for Your glory. We thank You in advance for a truly great day. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

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

### Pending:

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

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

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

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

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

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

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

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

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

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Clinton modified amendment No. 516 (to amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program.

Cantwell modified amendment No. 630 (to amendment No. 358), to provide for addi-

tional requirements with regard to the integration of education technology resources.

Hollings amendment No. 798 (to amendment No. 358), to permit States to waive certain testing requirements.

Gregg (for Santorum) amendment No. 799 (to amendment No. 358), to express the sense of the Senate regarding science education.

The PRESIDENT pro tempore. Under the previous order, there will now be 40 minutes for closing debate on the Santorum amendment No. 799 and the Hollings amendment numbered 798.

Mr. KENNEDY. Mr. President, as we resume consideration of the education authorization bill, we have 40 minutes of debate on the Santorum and Hollings amendments concurrently, with two rollcall votes at approximately 9:40 this morning, and votes throughout the day, as well into the evening, as the Senate works to complete action on the education bill this week. If the bill is completed on Thursday, there will be no rollcall votes on Friday.

The PRESIDENT pro tempore. The Senator from Pennsylvania, Mr. SANTORUM.

### AMENDMENTS NOS. 798 AND 799

Mr. SANTORUM. Mr. President, I rise to talk about my amendment which will be voted on in roughly 40 minutes. This is an amendment that is a sense of the Senate. It is a sense of the Senate that deals with the subject of intellectual freedom with respect to the teaching of science in the classroom, in primary and secondary education. It is a sense of the Senate that does not try to dictate curriculum to anybody; quite the contrary, it says there should be freedom to discuss and air good scientific debate within the classroom. In fact, students will do better and will learn more if there is this intellectual freedom to discuss.

I will read this sense of the Senate. It is simply two sentences—frankly, two rather innocuous sentences—that hopefully this Senate will embrace:

“It is the sense of the Senate that—

“(1) good science education should prepare students to distinguish the data or testable

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



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theories of science from philosophical or religious claims that are made in the name of science; and

“(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

It simply says there are disagreements in scientific theories out there that are continually tested. Our knowledge of science is not absolute, obviously. We continue to test theories. Over the centuries, there were theories that were once assumed to be true and have been proven, through further revelation of scientific investigation and testing, to be not true.

One of the things I thought was important in putting this forward was to make sure the Senate of this country, obviously one of the greatest, if not the greatest, deliberative bodies on the face of the Earth, was on record saying we are for this kind of intellectual freedom; we are for this kind of discussion going on; it will enhance the quality of science education for our students.

I will read three points made by one of the advocates of this thought, a man named David DeWolf, as to the advantages of teaching this controversy that exists. He says:

Several benefits will accrue from a more open discussion of biological origins in the science classroom. First, this approach will do a better job of teaching the issue itself, both because it presents more accurate information about the state of scientific thinking and evidence, and because it presents the subject in a more lively and less dogmatic way. Second, this approach gives students greater appreciation for how science is actually practiced. Science necessarily involves the interpretation of data; yet scientists often disagree about how to interpret their data. By presenting this scientific controversy realistically, students will learn how to evaluate competing interpretations in light of evidence—a skill they will need as citizens, whether they choose careers in science or other fields. Third, this approach will model for students how to address differences of opinion through reasoned discussion within the context of a pluralistic society.

I think there are many benefits to this discussion that we hope to encour-

age in science classrooms across this country. I frankly don't see any downside to this discussion—that we are standing here as the Senate in favor of intellectual freedom and open and fair discussion of using science—not philosophy and religion within the context, within the context of science but science—as the basis for this determination.

I will reserve the remainder of my time. I have a couple of other speakers I anticipate will come down and talk about this amendment, and I want to leave adequate time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The PRESIDENT pro tempore. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

The PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, do I understand correctly the Senator from Minnesota has the time from Senator HOLLINGS?

Mr. WELLSTONE. That is correct.

Mr. KENNEDY. So Senator HOLLINGS has the 10 minutes. In his absence, the control of the time should be with the Senator from Minnesota.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask the Chair whether or not we have 10 minutes altogether on our side or 10 minutes for each of us. What is the understanding from last night?

The PRESIDENT pro tempore. The Senator from Massachusetts controls 10 minutes, and the Senator from South Carolina controls 10 minutes, which has now been—

Mr. KENNEDY. I will be glad to yield 5 minutes of my time if the Senator wants it.

The PRESIDING OFFICER. The Senator from Minnesota has been tendered 10 minutes from the time allotted to Mr. HOLLINGS.

AMENDMENT NO. 798

Mr. WELLSTONE. Mr. President, my hope is the Senator from South Caro-

lina will be able to be here. He spoke last night on his amendment, and he can do it with more eloquence and more persuasively than can I. But I told him, since I support his amendment, I would be pleased to try to be a fill-in for him.

I see my colleague is now here. I say to the Senator from South Carolina that I will be delighted to follow him, if he is ready to speak.

Mr. President, I yield to the Senator from South Carolina. I will follow my colleague.

The PRESIDENT pro tempore. Does the Senator from South Carolina seek recognition?

The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, this Senate, and I say it advisedly and respectfully, in a sense, we are the best off-Broadway show. We engage in these charades, set up these straw men and then knock them down, taking the credit for being so effective politically.

We say we have a surplus; we don't have a surplus. The CBO projected in March a \$23 billion surplus for this fiscal year. Mark it down, it will be between a \$50 billion and \$70 billion deficit. We haven't even passed an appropriations bill. We have not passed any kind of supplemental and already we can foresee, less than a week after the signing of the so-called tax cut—where we had no taxes to cut—a deficit of \$50 billion to \$70 billion.

Now here is what we set up. We say: Wait a minute. In education there is no accountability; there is no testing. The people back home do not know what they need. If we can get some accountability and testing, we will learn what they need.

Such fanciful nonsense. We have testing coming out of our ears. You mention the State, and I will give you the millions they are spending.

Mr. President, I ask unanimous consent to have this schedule printed in the RECORD.

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

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3-8 tests	New tests required	Revenue sharing proceeds
Alabama	\$4,000	B	B	B	B	B	B	12	0	\$24,915,437
Alaska	3,500	B	B	B	B	B	B	10	2	8,629,291
Arizona	4,800	B	B	B	B	B	B	12	0	28,129,355
Arkansas	3,200	B	B	B	B	B	B	10	2	16,983,311
California	44,000	B	B	B	B	B	B	12	0	161,769,009
Colorado	10,700	R	R	B	B	B	B	10	2	23,798,968
Connecticut	2,000	B	B	B	B	B	B	6	6	19,875,848
Delaware	3,800	B	B	B	B	B	B	6	6	8,016,860
Florida	22,400	B	B	B	B	B	B	12	0	68,848,688
Georgia	14,000	B	B	B	B	B	B	10	2	43,139,333
Hawaii	1,400	B	B	B	B	B	B	6	6	9,961,299
Idaho	700	B	B	B	B	B	B	12	0	11,393,934
Illinois	16,500	B	B	B	B	B	B	6	6	57,731,557
Indiana	19,000	B	B	B	B	B	B	6	6	31,207,328
Iowa	0	B	B	B	B	B	B	4	8	17,424,763
Kansas	1,100	M	M	R	M	M	R	4	8	17,179,348
Kentucky	8,100	B	R	R	B	B	M	8	4	21,605,599
Louisiana	9,000	B	B	B	B	B	B	12	0	24,579,091
Maine	3,300	B	B	B	B	B	B	4	8	10,704,063
Maryland	17,100	B	B	B	B	B	B	12	0	27,457,342
Massachusetts	20,000	R	B	B	M	B	R	7	5	31,006,359
Michigan	16,000	B	B	R	B	R	B	5	7	48,296,329
Minnesota	5,200	B	B	B	B	B	B	6	6	27,066,118
Mississippi	7,600	B	B	B	B	B	B	12	0	18,198,252
Missouri	13,400	R	M	B	B	R	M	4	8	28,736,967
Montana	282	B	B	B	B	B	B	4	8	9,161,562

The PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, first of all, on the Santorum amendment, I hope all of our colleagues will vote in support of it. It talks about using good science to consider the teaching of biological evolution. I think the way the Senator described it, as well as the language itself, is completely consistent with what represents the central values of this body. We want children to be able to speak and examine various scientific theories on the basis of all of the information that is available to them so they can talk about different concepts and do it intelligently with the best information that is before them.

I think the Senator has expressed his views in support of the amendment and the reasons for it. I think they make eminently good sense. I intend to support that proposal.

On the Hollings-Wellstone amendment, I listened, as I always try to do, to my friend and colleague from South Carolina. There is so much he says that makes very good sense, but I have to oppose the amendment.

When he talks about the preparation of children, he makes a great deal of sense. In fact, if the children are denied the Women's, Infants', and Children's Program—the WIC Program—if they are denied the early nutrition, which is so important for the development of the mind, if they are denied the early learning experiences, which are absolutely instrumental in developing and shaping the mind, they lose opportunities.

If we are only funding the Head Start Program at 40 percent, we are leaving 60 percent out. The Early Head Start Program is only funded at about 10 or 12 percent.

If we take children who are denied all of those kinds of opportunities, unless they are enormously fortunate to have other kinds of sustained enforcement of educational experience and stimulating experience in terms of their home life, or other circumstances, we can ask whether children are arriving in school ready to learn. Some may be but many others may not.

One of the most important developments over the period of the last 10 years has been the knowledge of what happens in the development of the brain. We had "The Year of The Brain." It was on the front pages of magazines and newspapers and on television programs. We found that the early development aspects of the brain are absolutely essential where the neurons connect with the synapses and we have the development of the mind.

One of the key aspects, that at least many of us have believed, is that not only is it important to leave no child behind in terms of the support of this bill to reach all 10 million children who will be eligible but also the investment in children at the early age, to which Senator HOLLINGS spoke. But if we are going to continue to make that battle

and struggle, we are going to have to, on the floor in the Senate and in appropriations, try to invest for the children so they are ready to learn.

A number of States responded to the requirements of the title I program in 1994. We require testing in the elementary schools, middle schools, and in the high schools. Fifteen States are meeting that requirement at the present time. But most of the tests which exist in the States are more attuned to national standards rather than State standards. Forty-nine States have established their own standards.

The purpose of this legislation is to try to develop a curriculum that will reflect those standards and have well-trained teachers who will use that curriculum and then examination of the students with well thought out tests that are really going to test not only what the child learns but the ability of the child to use concepts. That is why the average test that is being used at the State level is \$6 or \$7. The test we are trying to develop here, the provisions which are strengthened with the Wellstone amendment and the other requirements, averages \$68 a test versus \$6.

Money doesn't answer everything in terms of being sure you are going to get a quality test, but part of the requirements we have for the use of the test is to be able to disaggregate it. At the current time, there are only three States that use disaggregated information. So you know in the class that there are various groups of students who aren't making it rather than just the test that uses the whole classroom.

It is also important to disaggregate information so that you know more completely where the challenges are in terms of the students themselves in order to make progress and tie the curriculum into these types of features, and also to make sure we are going to have the development of the test developed by the States, in the States, for the States' standards.

That is our purpose—not that they take off-the-shelf tests. Most of the States using the tests now are using the off-shelf-tests that are focused on national standards rather than State standards. That happens to be the reality.

I don't question that in a number of States there are superintendents and school boards who think they are getting adequate information. But this is a much more comprehensive way of finding out what the children know and then hopefully developing the kinds of methodologies to equip the children to move ahead. That is really our purpose. We may not get it right, but that is certainly the purpose we intend.

Finally, if the States are developing their own tests, and if they meet the standards which are included in this legislation and they conform with them, then they obviously meet those requirements. Then there is nothing further they have to do.

Three States, as I said, disaggregate information and have a number of the

items that are included in this bill. But by and large they are not in existence in other areas.

If that is the case, and we believe assessments are a key aspect of all of the efforts we are trying to develop in this legislation—I know there are those who don't agree with that as a concept—we know that children are tested frequently.

I can give you some cases in Lancaster, PA, where they test actually every 9 weeks in terms of what the children are learning during that period of time; and they alter and change the curriculum to try to give focus and attention to groups of students in those classes who are not making measurable progress. They have seen the absolutely extraordinary progress the schools have made in Lancaster as a result of it.

If it is done right, done well, done effectively, it is a very important, positive instrument in terms of children's development. If it is not, then it can have the kind of unfortunate results that have been mentioned in this Chamber. It is our intention to try to do it right. We have built in enough legislation to do it. I think this is the way to go.

I think we have a good bill. We have had good authorization. We are going to have the difficulty and challenge of getting the funding. That is an essential aspect of the continuing process as we move through the legislative process. We want to make sure that we are going to do it right.

But I do not believe the Hollings-Wellstone amendment is consistent with the whole central thrust of this legislation. I, regretfully, oppose the amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. EDWARDS). The Senator's time has expired.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent it be in order to now ask for the yeas and nays. And then I will ask for the yeas and nays.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. How much time remains on the amendments?

The PRESIDING OFFICER. The minority controls the remaining time, 15½ minutes.

Mr. SANTORUM. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on my amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. If there is no one who wants to address the Senate, I suggest the absence of a quorum—I am sorry.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to use some of the time that is available for our side to talk a little about the bill. I have not said much in relation to this bill, but it certainly is one of the most important issues that we will talk about.

We have a great opportunity to help make education stronger in our country. That is, of course, what we ought to be seeking to do. This discussion has gone on for a very long time. I hope we are nearing the end of the debate. I think we have spent nearly 4 weeks, off and on, on this proposition. It is time to bring it to a close.

In my view, we have had an excessive amount of amendments; nevertheless, that is where we are. But now if we are really going to do our part, and if we are really going to be able to cause this to be something that is effective, then we need to focus a little bit, as we evaluate where we are, on what our goals are, what it is we are really seeking to do.

I guess too often I get the notion that we get wrapped up around here in all the details, little items that mean something to someone, and we lose track of where it is we really want to go.

What we ought to do is have a vision—hopefully, a fairly common vision—of what our goals are in terms of education, in terms of the role of the Federal Government in education, and to be able to measure what we are doing each day in terms of how we meet those goals.

I think one of them that is quite important is, what is the role of the Federal Government in education? It has been my view, and continues to be my view, that the major responsibility for elementary and secondary education lies at the local level, lies with the community, lies with the school boards, and lies with the States.

One of the reasons I think that is so important is there are very different needs in very different places because what you need in Chugwater, WY, is quite different than what you need in Pittsburgh, PA. They ought to be able to make those kinds of unique decisions locally.

What is really needed to bring about change? We are all in favor of change, although I am not as pessimistic about schools as many people are. I think most of our schools do a pretty good job. One of the reasons I think that—and I realize this is not a broad sampling—is because of the young people who come to the Senate. They are evidence, it seems to me, that our schools are doing a pretty darn good job.

We need to do better, and there are some schools that do better than others, but that ought to be part of our goal, to establish what is really needed to bring about change. Then we ought to measure it. I think too often when we get into these issues, much of our conversation begins to border on political rhetoric: Boy, if you are for education, then that's a great thing. But you have to kind of decide what it is that you are for. Everybody is for education.

We have to talk a little bit about spending. This bill authorizes spending far beyond anything that we have ever thought about. Obviously, most of us would agree dollars alone don't bring about quality education. You can't have it without the dollars, but dollars alone don't do that. So I think there has to be some limit.

With that, inevitably, goes a certain amount of direction and control from Washington. How much of that do you want? I think there are some things that we ought to think and talk about.

As I understand it, the real purpose, as we started out with this S. 1, was to increase accountability for student performance. We do that some by testing. There has to be some accountability. We have to put out there funding, funding that really works and is not wasted, is not used up in bureaucracies. We have to have increased flexibility and local control if we really want to be able to deal with the problems that exist in our school systems.

We need to empower parents to have a role in schools. We need there to be opportunities for students such as in charter schools. We need some changes in that respect. We need to provide options for students who are consistently failing or who are in danger at schools. We need to do something about that.

But the responsibility really lies at the local level. That is why we elect school boards. That is why we have legislatures. We need to help, but there needs to be local flexibility. I think it is pretty clear from the debate that the bureaucracy and redtape have been real problems.

My wife happens to be a special ed teacher. I can tell you, she spends more time with reports than is really necessary. When she ought to be working with the kids, she is having to fill out all these reports that come in and are required. There ought to be a limit to that.

We ought to try to reduce the duplicative educational programs that are out there. Now over 50 percent of the Federal education dollars are spent on bureaucracy and overhead. That is unacceptable. The money needs to be there to help the kids.

Burdensome regulations, unfunded mandates—talk to anybody who is an administrator at a school and see what they think about unfunded mandates and the burdens of regulation. We do not talk about that very much. We have had 150 amendments that bring about more regulations. We ought to make sure we avoid that.

I think, again, we have to work to give the States and the locals unprecedented flexibility. The Federal Government has provided only about 6 or 7 percent of the funding for elementary and secondary education. We ought to do better than that. But keep in mind, the basic thrust is in the local community with the local dollars, the local decisions, the local leaders. That is where it belongs.

We talk about schools failing. We ought to put a little responsibility on those who are responsible for those schools that are failing. Help them, yes, of course. But the idea that we are suddenly going to take over this whole educational system and change it, I don't think that is consistent with our notions of Government.

So I just think we have a great opportunity. I think there are some very good things in this bill. I hope that we conclude it soon so we can get it moving and so we can get on to some other issues as well. But I hope we evaluate, as we go: What do we think the role of the Federal Government is? How should money be used that is sent to the local and State governments? How do we have accountability? And how, indeed, do we make sure this effort of ours is one that produces the best dividends and moves us towards our vision of what education in this country ought to be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first, I thank the Senator from Massachusetts for his support of my amendment. I hope the Senate will overwhelmingly vote for and support the amendment that I have offered.

The Senator from Wyoming was just talking about the role of the Federal Government in education. I was just thinking about the many visits I have made to school districts around my State. I have been to about 160 or 170 school districts in my State. We have about 500 school districts. I talked about education in many of those visits.

Maybe other Senators have experienced the same thing, but when I talk about education in schools, when I talk about educational reform, superintendents and teachers tend to get a little stiff in front of me, tend to get a little tense, because they are living it. And here we are, on the outside, trying to tell them how to do it better. One of the reasons I go to those schools is to listen to the schoolteachers and to principals and superintendents, parents, and students.

One of the things I hear more and more from people and parents and teachers in particular is, yes, we need to improve education, but we also need to look at what is coming into the educational system, the children coming into our system, particularly in our lowest performing schools, where children are coming in with many more profound problems than they did 20, 30,

40, even 50 years ago, when we thought we had a pretty good educational system in the country.

To sit here and say all the problems in our society, all the problems with our children are because they don't have a good education or there is not a good school, whatever the case may be, sort of laying all the blame on the schools for not producing educated children, in some respects, I believe, misses the mark or certainly doesn't tell the whole story of the problems that we are confronting as a culture and as a nation.

We have a couple minutes before the vote, and I wanted to put my two cents in. For those teachers and administrators, people who work very hard in the school system, particularly the poor schools and schools that are in difficult neighborhoods, you are right; the schools are not the sole source of blame for having children who can't read coming out of them. I even argue in many cases they aren't the principal sources of blame or even a particularly big share of the blame.

When we talk about educational reform, particularly leaving no child behind—and I support that—we need to look not just within the school system; we have to look outside the school system. We have to look at our culture. We have to look at the American family, our neighborhoods, at our popular culture, and the message being sent to the young children. We have to look at neighborhoods. And whether it is crime or the breakdown of the family or the breakdown of the community, the lack of economic opportunities, whatever the case may be—in most cases, it is all of those things—we need to recognize that education is just a piece of solving this puzzle for a child growing up in these very poor neighborhoods.

I hope we don't walk away from here flexing our muscles, raising our hands, saying: We have now solved the problem; We have fixed the educational system and that alone is going to solve the problems we face in our poor and downtrodden communities. It will not, no matter how good our schools are.

I always share this story of going to a high school in north Philadelphia, a very poor high school, a very poor neighborhood, a crime ridden neighborhood. I walked through that school. First I walked through the metal detectors. And I finally got to a classroom where, of the students going to the school, less than 5 percent were going to go on to some education beyond high school. I went into the classroom where those 5 percent were, and they were being talked to about their opportunities. They were all from public housing, poor neighborhoods. They could get a free ride to any school they wanted to go to.

I remember talking to them about the opportunities they had and sort of seeing somewhat blank stares back at me. We got into a discussion. I said: What is your biggest fear? What is your biggest concern about the school you

go to and your education? And the consensus developed was this: Getting to school alive every day. When you are an achiever in a group of people who do not achieve academically, you are a target. You can throw more money at that school, you can improve the quality of the teachers, you can have smaller class size, but if your concern is getting to school alive, we are missing the boat somewhere.

I want to step back, as we hopefully will celebrate passage of this bill and say that we have done great things to help children. If we don't get to the issues outside of the school, throwing more money into the school is whistling through the graveyard at night. It isn't going to solve the problem.

I yield the floor.

Mr. BYRD. Mr. President, I have been interested in the debate surrounding the teaching of evolution in our schools. I think that Senator SANTORUM's amendment will lead to a more thoughtful treatment of this topic in the classroom. It is important that students be exposed not only to the theory of evolution, but also to the context in which it is viewed by many in our society.

I think, too often, we limit the best of our educators by directing them to avoid controversy and to try to remain politically correct. If students cannot learn to debate different viewpoints and to explore a range of theories in the classroom, what hope have we for civil discourse beyond the schoolhouse doors?

Scientists today have numerous theories about our world and its beginnings. I, personally, have been greatly impressed by the many scientists who have probed and dissected scientific theory and concluded that some Divine force had to have played a role in the birth of our magnificent universe. These ideas align with my way of thinking. But I understand that they might not align with someone else's. That is the very point of this amendment—to support an airing of varying opinions, ideas, concepts, and theories. If education is truly a vehicle to broaden horizons and enhance thinking, varying viewpoints should be welcome as part of the school experience.

Mr. BROWNBACK. Mr. President, as my friend from Pennsylvania, and perhaps every one in the free world, knows the issue he brings up with regard to how to teach scientific theory and philosophy was recently an issue in my home State of Kansas. For this reason, many of my constituents are particularly sensitive to this issue.

I would like to take the opportunity of this amendment to clear the record about the controversy in Kansas.

In August of 1999 the Kansas State School Board fired a shot heard 'round the world. Press reports began to surface that evolution would no longer be taught. The specter of a theocratic school board entering the class to ensure that no student would be taught the prevailing wisdom of biology was

envisioned. Political cartoons and editorials were drafted by the hundreds. To hear the furor, one might think that the teachers would be charged with sorting through their student's texts with an Exacto knife carving out pictures of Darwin.

However, the prevailing impression, as is often the case was not quite accurate. Here are the facts about what happened in Kansas. The school board did not ban the teaching of evolution. They did not forbid the mention of Darwin in the classroom. They didn't even remove all mention of evolution from the State assessment test. Rather, the school board voted against including questions on macro-evolution—the theory that new species can evolve from existing species over time—from the State assessment. The assessment did include questions on micro-evolution—the observed change over time within an existing species.

Why did they do this? Why go so far as to decipher between micro and macro-evolution on the State exam? How would that serve the theocratic school board's purpose that we read so much about? Well, the truth is . . . their was no theocratic end to the actions of the school board. In fact, their vote was cast based on the most basic scientific principal that science is about what we observe, not what we assume. The great and bold statement that the Kansas School Board made was that simply that we observe micro-evolution and therefore it is scientific fact; and that it is impossible to observe macro-evolution, it is scientific assumption.

The response to this relatively minor and eminently scientific move by the Kansas school board was shocking. The actions and intentions of the school board were routinely misrepresented in the global press. Many in the global scientific community, who presumably knew the facts, spread misinformation as to what happened in Kansas. College admissions boards, who most certainly knew the facts, threatened Kansas students. The State Chamber of Commerce and Industry, and the State universities were threatened based on the actions of school board. All of these effects caused by a school board trying to decipher between scientific fact and scientific assumption. The response to the actions of the board, appeared to many as a response to the commission of heresy.

For this reason, I am very pleased that my friend from Pennsylvania offered this amendment. He clarifies the opinion of the Senate that the debate of scientific fact versus scientific assumption is an important debate to embrace. I plan to support the amendment and urge my colleagues to join me.

Mr. REID. Mr. President, I ask unanimous consent that between the two votes, prior to the second vote in order, there be 2 minutes on each side for debate.

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

Does the Senator from Pennsylvania yield back the remainder of his time?  
Mr. SANTORUM. I do.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 799. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.  
Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—91

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

NAYS—8

Chafee	DeWine	Stevens
Cochran	Enzi	Thompson
Collins	Hagel	

NOT VOTING—1

Dodd

The amendment (No. 799) was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 798

Mr. KENNEDY. As I understand, we have 2 minutes on each side. There will be 2 minutes for the Senator from South Carolina and 2 minutes for the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, dear colleagues, the fundamental flaw is the approach that we do not, at the local level, have accountability, that we do not have testing. The truth is, and I have previously printed it in the RECORD, we have testing coming out of our ears: \$422 million this year. We know what works.

I say, rather than go through a 7-year exercise at \$7 billion, along with the

bureaucracy from Washington, to develop what Washington thinks is the standard, what Washington thinks is quality, use that money to address local concerns, whether they be further testing or additional needs. We know what the needs are. Senators have stated them over 7 weeks: Curriculum, better teachers, more teachers, smaller class size, and on down the line.

This is, in a sense, revenue sharing with the same amount of money.

If Members believe in one size fits all, that Washington—and not the local folks—has the answers, if Members believe in unfunded mandates, if Members believe students should be tested on courses that they have yet to receive—Title I, Head Start, and the others—if Members believe we ought to institute this 7-year bureaucracy at a cost of \$7 billion, vote against the amendment.

If Members believe in local control, and if Members believe they know what is best, and what schools in their states need is help for curriculum, for class size, and everything else, then vote with us. I don't see my distinguished colleague, Senator WELLSTONE, but I have his support, and I think I might be able to get the support of Senator KENNEDY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, with all respect to my friend and colleague from South Carolina, I rise to oppose the amendment. This amendment, if passed, will cut out the heart of the bipartisan agreement on educational reform in this underlying bill. The heart of it is that we are going to demand results; we are going to ask for evidence that we can present to educators, to parents, indeed to students and public officials, that the vast amounts of money that we at the Federal level and those at the State and local level are investing in the education of our children is actually working. The important thing to say is that in the requirement that the underlying bipartisan agreement makes for testing of schoolchildren from grades 3-8, we set the rules, but we leave it to the States to determine the standards. It is the States that will decide each year what is adequate yearly progress. It is the States that will determine how well their students are doing. So this is a national set of rules, but it is the States that will decide how each of them goes forward in implementing the rules.

Second, we require an arcane term, but it means a lot, disaggregation of data, so that people in the State, in the local area, parents, can see how each group of children is doing so we will be sure in that evidence that we will not overlook the educational needs of the neediest of our children.

I ask my colleagues to oppose this amendment and thereby stand by the bipartisan agreement for educational reform.

The PRESIDING OFFICER. The question is on agreeing to amendment no. 798. The yeas and nays have been ordered. The clerk will call the roll.

The assistant bill clerk called the roll.

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

The result was announced—yeas 22, nays 78, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—22

Akaka	Durbin	Nelson (NE)
Boxer	Feingold	Reed
Cantwell	Harkin	Reid
Conrad	Hollings	Sarbanes
Corzine	Inouye	Stevens
Daschle	Leahy	Wellstone
Dayton	Levin	
Dodd	Murray	

NAYS—78

Allard	Edwards	Lugar
Allen	Ensign	McCain
Baucus	Enzi	McConnell
Bayh	Feinstein	Mikulski
Bennett	Fitzgerald	Miller
Biden	Frist	Murkowski
Bingaman	Graham	Nelson (FL)
Bond	Gramm	Nickles
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Hatch	Schumer
Byrd	Helms	Sessions
Campbell	Hutchinson	Shelby
Carnahan	Hutchison	Smith (NH)
Carper	Inhofe	Smith (OR)
Chafee	Jeffords	Snowe
Cleland	Johnson	Specter
Clinton	Kennedy	Stabenow
Cochran	Kerry	Thomas
Collins	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
DeWine	Lieberman	Voivovich
Domenici	Lincoln	Warner
Dorgan	Lott	Wyden

The amendment (No. 798) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 420 TO AMENDMENT NO. 358

Mr. SPECTER. Madam President, I call up amendment No. 420.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 420.

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products)

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

SEC. \_\_. EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

“(6)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

“(i) is under the age of 18 and over the age of 14, and

“(ii) by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

“(B) The employment of an individual under subparagraph (A) shall be permitted—