

took 35 minutes. Many of us have hearings on the budget. We have nominees for various Secretary positions waiting. I think it is unreasonable to have a 35-minute vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May we have order.

Mr. KENNEDY. Mr. President, may we have order. The Senate is not in order, Mr. President.

The PRESIDING OFFICER. The Senator will be in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the Senators.

The PRESIDING OFFICER. The Senator will be in order. If Members have conversations, please take them off the floor.

Mr. BYRD. Mr. President, a unanimous consent request is before the Senate to limit each of the next two votes to 10 minutes each.

Mr. THOMAS. Yes.

Mr. BYRD. Mr. President, with all due respect to the Senator who propounds this request, every Senator knows nobody is going to pay any attention whatsoever to that request if it is granted—nobody. I have seen this happen too many times. I would love to see some 10-minute rollcall votes here, but it is a joke. It is a joke to agree to 10-minute votes, and then forget about them, and go on and have 20 minutes, or 25 minutes, or 37 minutes, as was the case in the previous vote.

Now, I am not going to object in this case. Perhaps it will work this time. I hope it will. But I am going to pay close attention. I remove my reservation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to Legislative Session.

#### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now

resume consideration of S. 1, which the clerk will report by title.

The assistant 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.

Craig amendment No. 372 (to amendment No. 358), to tie funding under the Elementary and Secondary Education Act of 1965 to improved student performance.

Kennedy modified amendment No. 375 (to amendment No. 358), to express the sense of the Senate regarding, and to authorize appropriations for title II, part A, of the Elementary and Secondary Education Act of 1965, with respect to the development of high-qualified teachers.

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

Kennedy (for Mikulski/Kennedy) amendment No. 379 (to amendment No. 358), to provide for the establishment of community technology centers.

Allen/Warner amendment No. 380 (to amendment No. 358), to provide for a sense of the Senate regarding education opportunity tax relief to enable the purchase of technology and tutorial services for K-12 education purposes.

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.

#### AMENDMENT NO. 372

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Craig amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I assume we are now proceeding on the Craig amendment, with 1 minute for each side.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. Mr. President, I encourage my colleagues to support the amendment I have put before the Chamber. It does not cut a program. It does not even take out the cost of living or an annualized increase based on that. What it says is that the Federal Government and the Department of Education and educational programs will no longer reward mediocrity.

In title I, over the last 30 years, we have put in \$120 billion and poor kids are still lower in achievement than middle-income kids who are outside the program. It failed. In this education bill before us, we are trying to change that.

All I am saying is, if you do not measure up, and if the States do not improve the environment in which kids are learning—in other words, if kids do not improve—and it is measured by the tests and the standards within this bill—then no more Federal money goes out. In other words, we will not continue to fund mediocrity. We will set a standard and a precedence where improvement in our young people means we will reward that improvement with the use of the Federal tax dollars.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the Craig amendment will be defeated. This is really putting the cart before the horse. If you adopt the Craig amendment, you are effectively saying there will not be any funding at all for the development of quality testing and accountability systems.

President Bush has proposed a three-fold increase in three times the amount of reading funding. That will not be available for children if the Craig amendment is adopted. Effectively, this amendment undermines what President Bush has stated are his goals in terms of trying to get increased accountability, better testing, and increased support for education. That will all be prohibited under the Craig amendment.

What we are trying to do is match resources to responsibility. That is the change in this whole bill. We are matching those two concepts. And that makes sense. But under the Craig amendment, you will be denying the President's program in increased reading and the President's program in terms of accountability. It puts the cart before the horse and makes no sense. I hope it will be defeated.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I support what the distinguished Senator is trying to accomplish. I think it is about time we let the States know they are going to have to do better; that they are going to have to measure up. I cannot, however, coming from a poor State, summarily cut this off. When I use the word "summarily," I realize we have had 35, 36 years in which to accomplish these things. But I do think they ought to be warned ahead of time.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CRAIG. This Senator's amendment would not cut any program. It would allow continued funding at that level. It does not reward by allowing the increases in the spending. That is what is important. The Senator from Massachusetts mentioned that nothing would go forward. He is wrong. Everything goes forward, and the measurements are in place.

What we are saying is, we are strong and definitive in saying that if you do not improve, you do not get the additional money.