

about it was the GOP plan allows a blank check for Governors who will see to it that the neediest and the poorest children will not benefit from the money.

This defines rather well where we are in this debate. Some of the facts seem to be different than what is being talked about. So \$120 billion later, poor kids still lag behind in reading. The percentage of those reading below basic level at the 12th grade is still 40 percent. The percentage of those writing below basic level in title I is 38 percent in the 12th grade after \$120 billion and 35 years of expenditures under this program.

We are talking about returning some of the decisionmaking to parents, to local leaders, sending dollars to the classroom rather than having them spent here, giving families greater educational choices, supporting and encouraging exceptional teachers, focusing on basic academics.

I think, if nothing more, we have defined very clearly where our priorities lie in terms of this body. I think we have a great opportunity to make some changes to bring about the results in education that all Members seek.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I ask unanimous consent I might have 4 minutes to speak about Mike Epstein, who passed away on Saturday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Without objection, it is so ordered.

#### IN MEMORY OF MIKE EPSTEIN

Mr. WELLSTONE. Madam President, first I want colleagues to know, and of course this is for Democrats and Republicans, and with Mike it is for staff and support staff and just about everybody who works here, pages and others, there will be a service for Mike in the Mansfield Room. It will be at 3 tomorrow. That is room S-207.

Many Senators came to the floor and spoke about Mike last week, on Thursday. It was wonderful. I thank you. About 70 people came to our office and did videos. All of this was sent to his family. Mike heard it. It was read to Mike. It meant a great deal to him. Letters have come in. It has really been wonderful to recognize such a great, great person.

Mike passed away on Saturday. We had a very small service for him today. He was buried in the Congressional Cemetery. Rabbi David Saperstein was there, Mike's family was there, and a few friends of many years were there. Then tomorrow we will have a service here. I look forward to that because it is wonderful, I say as a friend of Mike, the unbelievable impact he made.

I could go on forever. I will not because if I try to, the truth is I probably will not be able to go on at all. I just would not be able to do it here on the floor. I will say one unimportant thing

because it is about me, and then I will say one important thing, and then I will be finished.

The unimportant thing is in some ways I will just be lost without him. It is not like Mike was my assistant; it was like he was my teacher. But I will talk to him every day.

The second thing I want to say, which is much more important, is if I had to summarize a life, I would say the reason there has been such an outpouring of love is because Mike loved his family; he loved his work. And do you know what else? This is the best thing of all. He really loved and believed in public service. He loved his country. He was just steady. It was just who he was. He never changed.

The world is going to miss him. The Senate is going to miss him. Most important of all, his family is going to miss him. Sheila and I are going to miss him.

EVAN BAYH, who went through a real tragedy in his own family and lost his mother at an early age, was kind enough, last week, to say to me: Paul, it's not how long you live your life; it's how you live your life.

I think Mike is one of the five greatest individuals I have ever met in my life. He lived a wonderful life.

I yield the floor.

Mr. JEFFORDS. Madam President, I know all of us share in Senator WELLSTONE's grief. I know I have lost, in the past, one of my chief staff persons. You never know how important they are until they are not with you. I know the Senator's chief of staff was an outstanding person whom we all appreciated for his ability.

I am sure I speak for all Members on this side of the aisle: We share in the Senator's grief. We want him to know that.

I yield to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, we all reach out again to Mike's family. I think all of us in the Senate, just a few days ago, were very grateful of our good friend and colleague, Senator WELLSTONE, for giving us the opportunity to add a word to the comments on the extraordinary life of Mike Epstein.

As PAUL—Senator WELLSTONE—had pointed out last week, the hours were passing along and there was very little time left. But I think the challenge for all of us is to live a productive and useful life. That is the criterion the great philosophers have defined as the purpose in life, and Mike lived that. We all are the beneficiaries of it.

Our hearts reach out to PAUL at this time, and to all the members of the family. I think Mike would feel right at home here this afternoon, where we are debating the education act. He had strong views about these issues, as well as many others.

He made life better for people in this country. We will think of him during the course of this debate, too.

I thank the Chair.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of 3 p.m. having arrived, morning business is closed.

#### EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, we are awaiting the arrival of the Senator from New Hampshire. I would like to say, in the interim, we would like to proceed today with other amendments. I hope by the end of the day we will be able to establish a program for the coming week, which will put us in a position where we can move the education bill forward.

At this time, I am happy to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will speak briefly. As soon as the Senator from New Hampshire is on the floor, I will be glad to yield so he will be able to make a presentation on his amendment. I have had the chance, over the weekend, to study it closely. I will reserve my comments on it until we have had an opportunity to hear his presentation in the Senate this afternoon.

Just to review very briefly, we have had, now, as I understand it, probably 4 days of discussion of the Elementary and Secondary Education Act. Of those 4 days, 1 day was a general kind of presentation, although that was a good presentation by the speakers who had different views on the Elementary and Secondary Education Act. We had five votes: on Senator GORTON's amendment, what they call Straight A's; our Democratic alternative, which was introduced by Senator DASCHLE and a number of us; Senator ABRAHAM's merit pay amendment—I offered a second-degree on the Abraham amendment; and then on the Murray class size amendment.

We had indicated there would be a number of others, although a relatively small number. Actually, the total number that would be offered by this side would be somewhat less than has been usually offered in past considerations of the Elementary and Secondary Education Act.

We were going to have proposed an amendment that would address the whole issue of the quality of our teachers, to guarantee we would have a well-

trained teacher in every classroom at the expiration of the authorization bill. I will come back to that, how we are going to do it, and the importance of it for strengthening the quality of education and what the results are if you do have an excellent teacher, and what the academic results are, from various examinations of whether having a well-trained teacher, who is competent and knowledgeable about the content of the subject matter, and a good teacher. The difference that makes to children's ability to learn is intuitively obvious. Nonetheless, we will have an opportunity to present some very important and powerful evidence about why the way we have approached this will result in more favorable results.

Secondly, we have the whole issue about assisting many of the schools in this country that are older and are in great need of repair and modernization. We want an opportunity to make a presentation to make. The Senator from Iowa, Mr. HARKIN, has a powerful presentation to make. We need over \$112 billion a year to bring our schools up to standard. There is much work that needs to be done, again, through a partnership among the Federal Government, States, and local communities.

We want to address the important issue of afterschool programs. Senator DODD, Senator BOXER, and others have been involved in the development of that program. We have important results as to how that program is working and has worked in advancing the cause of teachers.

We want to have a good debate on accountability. We believe the most knowledgeable member is on our side, Senator BINGAMAN of New Mexico, who has, going back to the time of the Governors' conference a number of years ago, made that a speciality of his. Most of the pieces of legislation that are before us reflect a good deal of what he has developed and has broad support. That has been very important.

Senator MIKULSKI has reminded us a number of times about the importance of addressing the digital divide. In a time of new technology, it is important we not look back 10 years from now and find that the new technology has been used in such a way it further divides our children who are attending schools, but instead that we have been creative enough to use technologies in ways that have reduced the divide that exists in our schools rather than exacerbate it. That is very important. Senator MIKULSKI wants an opportunity to talk about this issue.

Senator REED has made a very important contribution to our legislation. He was a member of the Education Committee in the House of Representatives prior to coming to the Senate, following Senator Pell. He wants to talk about the importance of the involvement of parents in decisionmaking in the local communities. That is very important.

Senator WELLSTONE will be bringing up the issue of fair testing of children. He has spoken about that issue a number of times. We have voted on some aspects of it in the past.

Those are the principal education issues. There are some on our side who feel safety and security in our schools is an important issue, and we will be addressing that issue.

We have a limited number of amendments. In my conversations with most of our colleagues, we are prepared to enter into very reasonable time limits. I know on six or eight of those subject matters, we are prepared to enter into time agreements of an hour or so evenly divided so we can move this process forward. These are not subjects the Senate has not addressed. We have addressed these issues in the full committee in our markups. We have spoken about these issues during the debate. I intend to speak on the issue of the quality of our teachers because that is relevant to the Gregg amendment.

I have talked with our leader, Senator DASCHLE, who will be talking with the majority leader and hopefully will work out a program so we can reach a determination on these issues in the next few days. There is no reason why we should not do that.

There are amendments on the other side as well. We have had an opportunity to look at some of those. There is no reason we cannot pick up the pace and resolve some of these issues in a timely way. We had hoped to do more of these amendments at the end of last week, and we are in the situation today, with the funeral of His Eminence Cardinal O'Connor, of being unable to reach a conclusion on some of these debates this afternoon.

Hopefully, we can, by the end of the day, give an indication of how the Senate wants to proceed. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I thank the Senator from Massachusetts for fulfilling the commitment he made during a discussion we had on Thursday night. I advise the Senator in Massachusetts that five of the seven amendments he talked about did arrive at our office Friday. I thank him and his staff for that. We are going to try to accommodate him this afternoon in return.

At the moment, by previous agreement, we were prepared to move to an amendment by Senator GREGG of New Hampshire. His arrival has been delayed somewhat—I do not think very long. I had a chance to talk with the chairman, and I thought we might accommodate Senator INHOFE, if the Senator from Massachusetts concurs, for some 5 to 10 minutes on an unrelated matter while we are locating Senator GREGG.

I ask unanimous consent that Senator INHOFE of Oklahoma be given up to 10 minutes to conduct his remarks.

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

Mr. INHOFE. Madam President, I thank both managers of the bill for giving me some time.

#### UPDATE ON LINDA TRIPP FILE CASE

Mr. INHOFE. Madam President, I want to update my colleagues and the American people on the latest developments in the Linda Tripp file case. As my colleagues will recall, this is a matter concerning how information from the confidential personnel file of a Pentagon civil servant was leaked to the media in March of 1998, more than 2 years ago, by the Pentagon spokesman Kenneth Bacon and a colleague in violation of the Privacy Act.

As my questions at an Armed Services Committee hearing revealed for the first time on April 6, the Pentagon's Office of Inspector General essentially completed its investigation of this matter within 4 months of the incident. In July of 1998, it referred its report to the Justice Department, having found sufficient evidence that a crime had been committed.

From July 1998 until March of 2000, the Justice Department sat on the report, taking no action, making us believe the IG report was not completed and not given to them—essentially engaging in a coverup, in its typical stonewalling, delaying tactics. Then finally, on March 28, 2000, they quietly returned the report to the Pentagon, informing them it would not criminally prosecute anyone in the case.

I reported all of this to the Senate in a floor statement I made on April 11. At that time, I pointed out that the offense in this case—disseminating to the media information from a Government employee's confidential personnel file—was the same offense Chuck Colson pleaded guilty to during Watergate. It was the same offense for which Colson served in the Federal penitentiary.

Since all of this was revealed last month, three principal defenses—I would call them excuses—have emerged as to why Mr. Bacon should not be prosecuted. These have been put forth to the media by Mr. Bacon's lawyer and by the Justice Department in its decision to take a pass on prosecution. Let me state these three defenses and what they are:

No. 1, defense by Kenneth Bacon is that Bacon only leaked a part of a confidential file, not the whole file;

No. 2, that the Freedom of Information Act "trumps" the Privacy Act; and

No. 3, that Bacon "didn't intend to break the law."

Today, I want to report to the Senate that all of these arguments have been refuted and exposed as having no merit in this case. This leaves us facing the stark truth: The law was violated, and those who violated it should be prosecuted.

In testimony on April 26 before the Senate Armed Services Subcommittee on Readiness, which is the Committee I chair, I asked Pentagon Deputy Inspector General Donald Mancuso about these issues. He confirmed these points: