

He has used his remarkable clout to do what is right for Massachusetts and the Nation. And knowing JOE, having watched him and learned from him, as so many of us have, I know that in these next 2 years this courthouse will not be the only way he will be honored. The fights he will continue to wage for all that he believes, for working people, for jobs, for social and economic justice, will be the ultimate testimony to the full measure of the man whom we pause to honor today, and it will be the real measurement of those values by which JOE MOAKLEY has served.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

COMMEMORATING THE 5TH ANNIVERSARY OF THE 1996 TELECOM ACT

Mr. LOTT. Mr. President, recently we celebrated the fifth anniversary of the passage of the 1996 Telecom Act. This legislation—a comprehensive overhaul of our nation's laws governing communications—was the product of approximately ten years of hard work by many people. The intent of Congress in passing the Act was to spur competition, promote innovation, and provide new services at lower prices to consumers.

I hoped at the time that we passed the Act that it would have a tremendous impact on the economy, and my hopes were realized. Hundreds of thousands of new jobs were created in the communications sector in the first four years after passage of the Act, and this sector has been a major contributor to the nation's real economic growth since the Act's passage.

The blueprint of the 1996 Act provided industry and the markets the necessary certainty to foster and encourage investment in the telecommunications sector. This investment has occurred despite significant delays in the Act's implementation on the part of the FCC, and more disturbingly, delays related to the litigation of the Act in the courts. I am encouraged by the birth and growth of the competitive local telecommunications industry. Furthermore, I am pleased that two of the regional Bell companies satisfied the checklist required by section 271 of the Act in several states, thus indicating that these states are fully open to local competition. By opening these particular markets fully to local competition, these Bell companies are now able to offer long distance service in these states.

While I am pleased with these positive developments since the passage of the '96 Act, I believe it is time to review the '96 Act to determine whether it needs to be modified to fully achieve its purpose. While competition in many sectors of the telecommunications industry has undoubtedly increased, I believe that the Congress should consider

how to create additional incentives for increased competition in those sectors of the telecommunications industry which remain dominated by a small number of competitors.

While we have seen the new competitive companies emerging in the marketplace with a particular focus on business clients, perhaps there are measures which would make it more attractive to these new companies to aggressively pursue the market for local service to consumers' homes. Although a few states are now fully open to local competition pursuant to the '96 Act's conditions, we need to do more to make it attractive for additional markets to be opened, especially rural markets. Additional inducements may be necessary to speed the process of opening more and more states for local competition, as it appears the promise of allowing the incumbent local carriers to enter the long distance service market may not be a sufficient motivating factor in many states.

I am also concerned, however, that there are significant deficiencies in the enforcement of the '96 Act. While there were encouraging developments in the telecommunications industry resulting from the passage of the Act, I have serious concerns about the health of the new competitive local telecommunications industry and a perception that true competition for incumbent local carriers has not been achieved due to such enforcement failures. For this reason, I believe that the 107th Congress should look closely at these enforcement issues, with a view towards possible tweaks that may be necessary to ensure full implementation of the Act as it was originally envisioned.

I was a strong supporter and key sponsor of the '96 Telecom Act, and I believe that its principles remain relevant and solid. However, a bit of fine-tuning may be in order as we learn from our experiences under the first five years of the Act and look forward to a telecommunications sector which thrives under additional competition, innovation, and consumer choice in the years to come.

FLUNKING AMERICAN HISTORY

Mr. BYRD. Mr. President, every February our Nation celebrates the birth of two of our most revered presidents—George Washington, the father of our Nation, who victoriously led his ill-fitted assembly of militiamen against the armies of King George, and Abraham Lincoln, the eternal martyr of freedom, whose powerful voice and iron will shepherded a divided Nation toward a more perfect Union. Sadly, I fear that many of our Nation's school children may never fully appreciate the lives and accomplishments of these two American giants of history. They have been robbed of that appreciation—robbed by a school system that no longer stresses a knowledge of American history. In fact, study after study

has shown that many of the true meanings of our Nation's grand celebrations of patriotism—such as Memorial Day or the Fourth of July—are lost on the majority of young Americans. What a waste. What a shame.

In 1994, the National Assessment of Educational Progress assessed fourth, eighth, and twelfth-grade students' knowledge of U.S. history. The results of this study are deeply disturbing. The study divided students into three groups—advanced, proficient, and basic—based on their ability to recall, understand, analyze, and interpret U.S. history. Only 17 percent of fourth graders, 14 percent of eighth graders, and 11 percent of twelfth graders were judged to be "proficient". Over one-third of fourth and eighth graders failed to reach the "basic" level and more than half of the twelfth graders surveyed could not even achieve the "basic" category in the history of their own Nation.

The questions were not overly difficult, especially not for a twelfth grader. One question asked students to name the document that contains the basic rules used to run the Government of the United States of America. Only 27 percent selected the U.S. Constitution as the correct answer. Imagine that—27 percent! How can we ever survive as a country, if more than ¾ of our high school seniors are so ignorant about our basic charter? This deplorable record indicates that too many American children lack even the most rudimentary grounding in U.S. history.

Even more disturbing were the results of a study released last year by the American Council of Trustees and Alumni that tested the knowledge of college seniors who were on the verge of graduation. The organization gave students from fifty-five of our Nation's finest colleges and universities a typical high school-level American history exam. Nearly 80 percent—80 percent!—of these college seniors—the future leaders of our Nation—earned no better than a "D." A mere 23 percent could identify James Madison as the principal Framers of the Constitution; more than a third did not know that the Constitution established the separation of powers in American government; a scant 35 percent could correctly identify Harry S. Truman as the President in office at the start of the Korean Conflict; and just 60 percent could correctly select the fifty-year period in which the Civil War occurred—not the correct years, or even the correct decade, but the correct half-century.

These results are shameful and appalling. Not only are our grade-school students ignorant about their own history, so are our college students. Our children are being allowed to complete their formal educations without any semblance of historical context. To put it simply, young Americans do not know why they are free or what sacrifices it took to make us so.

An American student, regardless of race, religion, or gender, must know

the history of the land to which they pledge allegiance. They should be taught about the Founding Fathers of this Nation, the battles that they fought, the ideals that they championed, and the enduring effects of their accomplishments. They should be taught about our Nation's failures, our mistakes, and the inequities of our past. Without this knowledge, they cannot appreciate the hard won freedoms that are our birthright.

Our failure to insist that the words and actions of our forefathers be handed down from generation to generation will ultimately mean a failure to perpetuate this wonderful experiment in representative democracy. Without the lessons learned from the past, how can we ensure that our Nation's core ideals—life, liberty, equality, and freedom—will survive? As Marcus Tullius Cicero stated, "to be ignorant of what occurred before you were born is to remain always a child. For what is the worth of human life, unless it is woven into the life of our ancestors by the records of history?"

Last session, fearing that our children were being denied any sense of their own history, I added an amendment to an appropriations act that I believe will be a starting point for a partial solution to this egregious failure of the American educational system. This amendment appropriated \$50 million to be distributed as competitive grants to schools across the Nation that teach American history as a separate subject within school curricula—no lumping of history into social studies. Schools that have previously sought to teach American history should be commended, and schools that wish to add this critical area of learning to their curricula should be helped to do so. It is my hope that this money will serve as seed corn, and that future funding will be dedicated to the improvement and expansion of courses dedicated to teaching American history on its own, unencumbered by the lump sum approaches of "social studies" or "civics."

The history of our Nation is too important to be swept under the bed, locked in the closet or distorted beyond all recognition. The corridors of time are lined with the mistakes of societies that lost their way, cultures that forgot their purpose, and Nations that took no heed of the lessons of their past. I hope that this Nation, having studied the failures of those before it, would not endeavor to test fate's nerve.

Thucydides, the Greek historian, understood that the future can sometimes best be seen through the prism of the past. The following is an excerpt from the funeral oration of Pericles as reported by Thucydides in his "History of the Peloponnesian War."

Fix your eyes on the greatness of Athens as you have it before you day by day, fall in love with her, and when you feel her great, remember that this greatness was won by men with courage, with knowledge of their

duty, and with a sense of honor in action . . . So they gave their bodies to the commonwealth and received, each for his own memory, praise that will never die, and with it the grandest of all sepulchers, not that in which their mortal bones are laid, but a home in the minds of men, where their glory remains fresh to stir to speech or action as the occasion comes by. For the whole earth is the sepulcher of famous men; and their story is not graven only on stone over their native earth, but lives on far away, without visible symbol, woven into the stuff of other men's lives. For you now it remains to rival what they have done and, knowing the secret of happiness to be freedom and the secret of freedom a brave heart, not idly to stand aside from the enemy's onset.

STELLERS SEA LION CRISIS

Mr. STEVENS. Mr. President, the Steller sea lion crisis continues to be a serious issue for Alaska fishermen and the families and communities that depend on them. A recent guest columnist piece in the Seattle Post Intelligencer contains a good description of the flawed regulatory process that led us to this point. I ask unanimous consent that this piece be printed in the RECORD.

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

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

[From the Seattle Post-Intelligencer, Feb. 8, 2001]

LET'S DO RIGHT BY STELLERS SEA LION AND FISHERMEN

(By Glenn Reed)

In mid-December Sen. Ted Stevens, R-Alaska, was able to pass legislation that places requirements on the federal government's latest Biological Opinion dealing with interaction between fishing activity and the Stellers sea lion. Two of these requirements are that the government's opinion will undergo the legally required public review process as well as an independent scientific review. The legislation also requires the placement of protection measure for the Stellers sea lions, which the National Marine Fisheries Service has said will eliminate any negative impacts that might be caused to the sea lions by fishing activity.

This legislation also avoids a virtual shutdown of the fisheries and the resulting negative impact to the Washington-based fleet and Alaskan communities.

The senator's action also provides \$30 million in new research money to the NMFS so that it can conduct the research necessary to determine if Alaska's fisheries are having an impact on Stellers—something that government scientists theorize, but that they have failed to even test after the industry has suffered through 10 years of increasingly severe harvest restrictions.

How did we get to this point? In 1990 the western population of Stellers sea lions was listed as a threatened species. In 1997 the western population of Stellers were listed as endangered. The cause of the Stellers' decline has never been determined. In the case of Stellers, the only regulatory steps available to the National Marine Fisheries Service were to progressively move commercial fisheries further and further out of their traditional areas. In the past decade the amount of fishing in the areas adjacent to sea lion rookeries and haulouts has been reduced to a fraction of historic levels (from 60

percent of the harvest in 1997 to under 15 percent in 2000). Fishing seasons have also been drastically altered in an attempt to help Stellers.

With all the costly restrictions that have been placed on fishing it would be logical to ask, "What benefits have sea lions realized over the past decade as a result of the redesigned fishery?"

Unfortunately, NMFS has conducted no studies to determine if any of the restrictions have had a positive effect, a negative effect or no effect. And it is worth noting that there is a body of opinion in the scientific community that argues that the government's actions over the past 10 years have been just as likely to cause more harm to Stellers than to have helped.

The basis for the government's placement of restrictions on fishing is a theory known as "localized depletion." The theory surmises that fishing activity is competing with sea lions for prey and is making it more difficult for Stellers to catch the fish they need. The theory has been rejected by the scientific advisers to the North Pacific Fisheries Management Council. Scientific arguments that run counter to the government's theory have been peer-reviewed and published, but largely ignored.

So why has the estimated sea lion population decreased so dramatically? Some things that leading marine mammal scientists outside the government consider most likely are listed below.

First, the stocks of those fish species which have historically provided Stellers with their greatest dietary benefit are far lower now than in the 1950s and 1960s when Stellers populations were very high. It could be that Stellers populations have declined because the ecosystem cannot support as large a population as it once did.

Also, the greatest population decline of sea lions occurred between the mid-1970s and the late '80s. During much of this time the taking (killing) of sea lions was commonplace and was at times encouraged by the government. Killer whales also prey on sea lions, and mariners have noted that killer-whale populations have increased sharply. Estimates of the impact of these activities in the period of the decline are able to account for a large portion of the overall decline.

NMFS admits in its Nov. 30 Biological Opinion that Alaska's fisheries aren't posing imminent harm to Stellers. There is time to study the effects of the actions that have been taken since 1990 to determine if they are helping sea lions or harming them. NMFS also admits that there is no threat of extinction for the next 100 years, and the agency is receiving more than \$30 million this year alone to work on better understanding the situation. It would be particularly encouraging if the conservation community would participate in the support of scientific research designed to better understand and help the Stellers sea lion.

The legislation passed in December will provide an opportunity for public and scientific review to ensure the right decisions are made. NMFS does not need to take the "ready-shoot-aim" approach. We have time to find the right answers.

How will history judge us if in an attempt to save the Stellers sea lion we take actions that are ultimately responsible for causing them further harm?

ONE YEAR LATER

Mr. LEVIN. Mr. President, over the course of the next few weeks, the people of my home state of Michigan will memorialize the death of a little girl named Kayla Rolland.