

HISPANIC EDUCATION

Mr. REID. Madam President, we speak frequently of America's security needs and we do it with understanding. It is important to understand, though, that the strength and security of our Nation requires more than bombs and bullets and our brave men and women in uniform. The future of our great country will be determined by our children and our grandchildren, and their futures in turn will be shaped by the education they receive today.

So what is a higher priority for America than educating our children and making sure all children have the tools and opportunity to succeed?

In the future, classrooms and communities all across America will resemble those we already see in the State of Nevada where students from racial and ethnic minorities comprise an increasing percentage of the school population. The Presiding Officer knows about which I speak, being from the State of Florida which is diverse in nationalities, ethnic groups, religions. It is a State of great diversity, as is Nevada.

This is new in Nevada. It has been longstanding in Florida. Nevada's schools now serve a large and rapidly growing number of Latino students, including many with limited English language proficiency. The Clark County School District, Las Vegas, is the sixth largest school district in America, with about 240,000 students. Over 25 percent of those students are Hispanic, and we support programs that provide all students the resources they need. Therefore, we must keep in mind the educational needs of Hispanic children. They have special needs in many instances.

My Democratic colleagues and I will host our third annual Hispanic Leadership Summit this week. We have invited 100 Hispanic leaders from across the country to share their ideas and work together on key issues facing the Hispanic community. Certainly education will continue to be a top priority for the Democratic caucus.

Health care, jobs, the economy, immigration, and civil rights will also be among the priorities on our agenda, and we will speak about these subjects with Hispanic leaders who will come to Washington this week.

Though education is viewed as a local issue because most decisions are made by local leaders, school boards, principals, teachers and parents, the Federal Government should and does play an important role in helping to educate our youth.

Congress and President Bush agreed last year to work together to improve the quality of education in America's public schools. We worked in a bipartisan manner to reauthorize the Elementary and Secondary Education Act and passed a strong educational reform program that requires States to set high standards for every student and strengthen Federal incentives to boost low-performing schools and signifi-

cantly improve educational achievement.

The legislation even had a catchy name: The No Child Left Behind Act. Unfortunately, though, President Bush has not backed up his rhetoric with the resources our children need. Just 1 month after signing educational reform into law, the so-called No Child Left Behind Act, he proposed a budget to cut almost \$100 million in funding for the No Child Left Behind Act. To highlight the impact of the Federal budget, for example, on Nevada's schools, I hosted an Appropriations Committee field hearing in Las Vegas this spring. We heard compelling testimony about programs that have worked and passionate appeals for continued support.

I, for one, will do all I can to restore funding for successful educational programs that President Bush wants to cut. My Democratic colleagues will join with me in this effort.

The Secretary of Education conducted townhall meetings in Las Vegas shortly after our hearing—actually north of Las Vegas—as part of the President's Commission on Education Excellence for Hispanic Americans.

I am pleased Secretary Paige visited Las Vegas so he could learn about the challenges that teachers and students face. While the entire Nation is struggling with overcrowded classrooms and teacher shortages, these problems are particularly severe in Nevada, the fastest growing State in the country.

At the hearing that I held, one of the witnesses was a young man by the name of Alberto Maldonado. This was a hearing of the Appropriations Committee. Alberto was born in Mexico City and moved to Las Vegas when he was 15 years old. At age 15, he did not speak a word of English, and he was mainstreamed into the schools. He enrolled in the 10th grade at Las Vegas High School.

On the first day of school, Alberto was terrified. He walked into the school not understanding a word of English or certainly much of our culture. He now recalls with gratitude, he testified, the names of his teachers in his English Language Learners Program and how they influenced his life. Ms. Hernandez and Ms. Williams taught him English words and sentence construction. Mr. Luna helped him learn about English culture, and Ms. Monroy helped him learn to write English and to read advanced materials.

Just 1 year after this young man, who could not speak a word of English, enrolled in his new school, he passed the Nevada High School Proficiency Examination in reading, writing, and mathematics. In his senior year, he served as vice president of the Student Organization of Latinos. After graduating from Las Vegas High School, Alberto attended community college and went on to work with mentally and physically challenged children.

He is a bright young man, and the reason I am sharing his story today is

because right now, there are tens of thousands just like Alberto in Clark County—students who need to participate in the English Language Learners Program if they are to have any hope of achieving the American dream.

It is estimated there are 40,000 students just like Alberto. By the 2004–2005 school year, there will be almost 90,000 who will need these services. I cannot understand why, at a time when our Nation needs to support education more than ever, our President wants to freeze funding for English Language Acquisition and Bilingual Education Programs.

Nevada also has the Nation's highest dropout rate. It is nothing I am proud of, but it is a fact. One out of every 10 high school seniors in Nevada drops out of school. This does not count those who dropped out before they even got to high school.

The Dropout Prevention Program, which was authorized as part of the No Child Left Behind Act, which was pushed strongly by Senator BINGAMAN and me, is the only Federal educational program specifically targeted to dropouts. The Hispanic community suffers from a persistently high dropout rate, higher than any other ethnic group. Yet the President wants to eliminate this dropout prevention program.

It is the only program, I repeat, that deals with dropouts. I hope he will reconsider the administration's plans to eliminate a program of such great importance for youth across America, including Hispanic students who already have a high risk for dropping out of school.

There is another program called the GEAR UP program which supports early college awareness for low-income youth starting in middle school and helps them complete high school and enter college. Over one-third of the students in the GEAR UP program are Hispanic.

This program is critical for Hispanic students who are more likely than any other students to drop out of high school and, consequently, less likely than others to attend and complete college. Again, I have a hard time understanding how, as our Latino population continues to increase, the President wants to freeze funding for yet another program that is critical to the long-term success of Hispanic Americans. But this is yet another example of saying the right thing without paying for it.

The No Child Left Behind Act provides a blueprint for educational reform. Real reform cannot occur without real resources. Without adequate funding, it is reform in name only. That is not enough. We can do better. We must do better.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

TERRORISM RISK INSURANCE ACT OF 2002—Continued

Mr. REID. Madam President, I ask unanimous consent that at 4:30 p.m. the bill now before the Senate be read the third time and the Senate vote on final passage, without intervening action or debate, with the 30 minutes prior to that vote equally divided between Senators DODD and GRAMM, or their designees, and paragraph 4 of rule XII being waived.

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

Mr. REID. Madam President, there are a number of Senators who have expressed a desire to offer amendments. We are anxious to have them come forward. For example, Senator SPECTER can come anytime he wants, except between 12:30 and 2:15, to offer his amendment. We look forward to that. If other Senators wish to do the same, the floor is open for those Senators.

I say to my Republican colleagues, this is the efficient way to do business. We know it was a tightly contested vote to obtain cloture. Senator GRAMM did the right thing in saying we will try to do things in conference or at some later time. This will expedite getting to the Defense authorization bill, which is so important for the country, something that the President and Secretary Rumsfeld have said time and time again we need to do. We will do that. The bill, the Defense authorization bill, should have adequate time to have a full and complete debate. It is always a bill that is controversial, just because of its nature and the size of it in dollars. It is something we will get to and complete before the July 4 recess.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. EDWARDS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. EDWARDS. Madam President, are we in morning business?

The PRESIDING OFFICER. We are not.

Mr. EDWARDS. I ask unanimous consent I be allowed to speak for up to 7 minutes as in morning business.

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

THE ETHICAL RESPONSIBILITY OF LAWYERS AFTER ENRON

Mr. EDWARDS. Madam President, I want to say a few words about the responsibilities of lawyers in corporate America.

In recent weeks we have learned about high-flying corporations that came crashing to the ground after top

executives played fast and loose with the law. And we have heard how ordinary employees and shareholders can lose their life savings when millionaire managers break the rules.

For the most part, the public has focused on the role of the managers and the accountants in allowing this kind of misconduct to happen, and of course that is critical.

But the truth is that executives and accountants do not work alone. Whenever executives or accountants are at work in America today, lawyers are looking over their shoulders. And if the executives and accountants are breaking the law, you can be sure part of the problem is that the lawyers aren't doing their jobs. The findings of the jury in the Andersen case only highlight the role of lawyers in American business today.

I know from personal experience what the responsibility of a lawyer is. I was proud to practice law for 20 years. I was proud to fight for my clients, regular people who had been wronged by powerful interests. When I took on a client, I recognized my duty to that client: to represent him or her zealously, but to do so within the limits of the law.

The lawyers for a corporation—the lawyers at an Enron, for example—they have different kinds of clients from the clients I had. But they have the same basic responsibility: to represent their clients zealously, and to represent them within the limits of the law.

My concern today is that some corporate lawyers—not all, but some—are forgetting that responsibility.

Let me get a little more specific. If you are a lawyer for a corporation, your client is the corporation. You work for the corporation and for the ordinary shareholders who own the corporation. That is who you owe your loyalty to. That is who you owe your zealous advocacy to.

What we see lawyers doing today is sometimes very different. Corporate lawyers sometimes forget they are working for the corporation and the shareholders who own it.

Instead, they decide they are working for the chief executive officer or the chief operating officer who hired them. They get to thinking that playing squash with the CEO every week is more important than keeping faith with the shareholders every day. So the lawyers may not do their duty to say to their pal, the CEO, "No, you cannot break the law."

In my view, it is time to remind corporate lawyers of their legal and moral obligations—as members of the bar, as officers of the courts, as citizens of this country.

The American Bar Association ought to take a leading role here, something they have not done thus far.

The Securities and Exchange Commission has an essential part to play as well. For some time, the SEC promoted the basic responsibility of lawyers to take steps in order to stop corporate

managers from breaking the law. The rule for lawyers that the SEC promoted was simple: If you find out managers are breaking the law, you tell them to stop. And if they won't stop, you go to the board of directors, the people who represent the shareholders, and you tell them what is going on.

After promoting the simple principle that lawyers must "go up the ladder" when they learn about misconduct, the SEC gave up the fight. They gave up the fight in part because the American Bar Association opposed their efforts.

In my view, it is time for the ABA and SEC to change their tune. Today I am sending a letter to the Chairman of the SEC, Harvey Pitt, asking him to renew the SEC's enforcement of corporate lawyers' ethical responsibility to go up the ladder.

In answer to a petition from 40 leading legal scholars, the SEC has already signaled that it probably will not take up the challenge I am talking about. I believe that is wrong. If Mr. Pitt responds to my inquiry by saying that the SEC plans to do nothing, then I believe we will probably need to move in this body to impose the limited responsibility I have discussed.

I ask unanimous consent that the full text of my letter to Mr. Pitt be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, June 18, 2002.

Hon. HARVEY PITT,
Chairman, Securities and Exchange Commission, Washington, DC.

DEAR CHAIRMAN PITT: I am writing to you about the responsibilities of lawyers under the federal securities laws.

In the wake of the Enron scandal, the public has focused on the role of accountants in maintaining the integrity of our free market system. In my view, it is time to scrutinize the role of lawyers as well. When corporate managers are engaged in damaging illegal conduct, the lawyers who represent the corporation can sometimes stop that conduct simply by reporting it to the corporate board of directors. Yet lawyers do not always engage in such reporting, in part because the lawyers' duties are frequently unclear. While the lawyers' inaction may be good for the inside managers, it can be devastating to the ordinary shareholders who own the corporation.

The American Bar Association's Model Rules of Professional Responsibility have not recognized mandatory and unambiguous rules of professional conduct for corporate practitioners, and rules at the state level are varied and often unenforced. During the 1970s and 1980s, as you know, the SEC instituted proceedings under Rule 2(e) (now rule 102(e)) to enforce minimum ethical standards for the practice of federal securities law. The SEC has since stopped bringing these types of actions. On March 7, 2002, forty legal scholars wrote a letter to you suggesting, among other things, that the Commission require a lawyer representing a corporation in securities practice to inform the corporation's board of directors if the lawyer knows the corporation is violating the Federal securities laws and management has been notified of the violation and has not acted promptly to rectify it. In a March 28, letter, your then-general counsel, David M. Becker,