

trust lands—lands held by the federal government for the benefit of Native Americans. A problem arose this year due to a provision included in the fiscal year 2003 Omnibus Appropriations bill, which set a spending cap for the program at \$5 million. That figure was deemed reasonable by the administration and appropriators because it was taken from previous years' spending amounts.

However, due to historically low interest rates over the past year, VA and borrowers have worked together to refinance many loans, loans that were counted toward the \$5 million cap. The combined costs of refinanced loans and new loans led VA to exceed the newly implemented cap. Consequently, last June, VA was forced to cease providing further funds for the year. This left many Native American veterans in despair as their housing projects sat awaiting completion. With the cessation of the program, veterans have been unable to complete construction on homes that were already in progress, refinance existing loans, or pay contractors.

The Native American Housing Loan Program originally began as a 5-year pilot project in 1993. Congress, recognizing its value, has re-authorized it twice and extended it through 2005. A recent GAO report noted a primary motivating force behind the bill was the fact that the home ownership rate among Native Americans is one of the lowest in the United States, finding that "while over 67 percent of Americans own their homes, fewer than 33 percent of Native Americans own homes."

In the report accompanying a reauthorization of the program in 1998, the Senate Committee on Veterans' Affairs stated that direct loans to these Native American veterans are necessary since—even with traditional VA guarantees—commercial lenders will not make mortgage loans to finance the purchase or construction of housing on Native American lands. They decline to do so because Federal law would prohibit a lender, in the event of default, from taking possession of native trust lands. Recent estimates indicate there are approximately 190,000 Native American military veterans. Many expert demographers recognize that, historically, Native Americans have the highest record of service per capita when compared to other ethnic groups. Congress realized that they should be allowed to receive the benefits they have earned through their service—such as VA home loans—no matter where they choose to live in the United States.

The Native American Housing Loan Program alleviates some of the problems faced by Native American veterans in a couple of ways. First, the bill lowers barriers for these heroic veterans by encouraging them to participate in the privileges and benefits of home ownership in America. Secondly, the program provides economic incentives to develop thriving and

long-lasting Native American communities. According to VA's Annual Report to Congress for fiscal year 2002, VA closed 62 loans during 2002 for a total of 289 loans made under the program from its inception through September 30, 2002.

Mr. President, as ranking member on the Veterans' Affairs Committee, I applaud the Congress for working to alleviate this problem in a timely manner. I am proud to support a provision in the Department of Defense appropriations bill that will eliminate the spending cap completely. The legislation ensures that stalled housing projects can be continued without stifling future home ownership opportunities for Native American veterans. I am glad that we have been able to work in a bipartisan manner and I know the Native American veteran community is thankful of our efforts.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—95

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Voinovich
Crapo	Levin	Warner
Daschle	Lincoln	Wyden
Dayton	Lott	

NOT VOTING—5

Edwards	Gregg	Lieberman
Graham (FL)	Kerry	

The conference report was agreed to. Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine/Landrieu amendment No. 1783 in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, in just a moment my colleague and friend from California will be offering an amendment. Before she does that, I again thank her for her contribution to this bill.

When this bill was being marked up in the Appropriations Committee, she came to Senator STEVENS, the chairman, Senator GREGG, myself, and the other members of the committee and said she believed the bill could be improved—specifically, the section having to do with the scholarships for the children in the District of Columbia.

She made some suggestions. Quite frankly, as I told her on the phone later, I was just sorry I had not come up with those ideas because, frankly, she significantly improved the bill. So I wish to publicly again thank her for the suggestions she made. We incorporated those suggestions, those ideas, into the bill in the committee.

She said: We want to make sure this bill is constitutional. She had some ideas in regard to that. We incorporated them into the bill. She also said: "Let's make sure the mayor—who has been such a strong advocate for the scholarship program, the mayor of the District of Columbia—let's make sure he is intricately involved in this program, the designing of the program, the running of the program; let's make sure he is tied into this program, and that we can, in fact, do that." We made those changes as well.

Third, she said: "Let's make sure there is accountability so we can measure the results." We made some changes to accomplish that as well.

The amendment she will offer and describe in a moment builds on the changes that we have already made but

goes further and breaks new ground and perfects the bill even further. I am anxious to hear her description of the amendment. I have taken a look at it. It is an excellent amendment.

I yield the floor and anxiously await her amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from California.

AMENDMENT NO. 1787 TO AMENDMENT NO. 1783

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill, my colleague from Ohio. I appreciate his sentiments.

Once in a while, by something we do, we can make a tangible and immediate difference in the lives of others. This is one such instance. In this case, what I hope to do is send an amendment to the desk, have Senator DEWINE's second degree, and then I would like to speak to the underpinnings of this scholarship program, which some people call a voucher program, and my rationale as to why I think this Mayor's request to try a pilot small voucher program in the District of Columbia should be granted.

I begin by sending the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1787 to amendment No. 1783.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the DC Student Opportunity Scholarship Program regarding student assessments)

On page 31, strike line 13 and all that follows through page 32, line 2, and insert the following:

(c) STUDENT ASSESSMENTS.—The Secretary may not approve an application from an eligible entity for a grant under this title unless the eligible entity's application—

(1) ensures that the eligible entity will—

(A) assess the academic achievement of all participating eligible students;

(B) use the same assessments every school year that are used for school year 2003–2004 by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), to assess participating eligible students in the same grades as such public school students;

(C) provide assessment results and other relevant information to the Secretary or to the entity conducting the evaluation under section 9 so that the Secretary or the entity, respectively, can conduct an evaluation that shall include, but not be limited to, a comparison of the academic achievement of participating eligible students in the assessments described in this subsection to the achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in District of Columbia public schools who

sought to participate in the scholarship program but were not selected; and

(D) disclose any personally identifiable information only to the parents of the student to whom the information relates; and

(2) describes how the eligible entity will ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship), and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the assessments used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), for the period for which the student applied for or received the scholarship, respectively.

(d) INDEPENDENT EVALUATION.—The Secretary and Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year pilot program under this title, and shall make the evaluations public. The first evaluation shall be completed and made available not later than 9 months after the entity is selected pursuant to the preceding sentence.

(e) TEACHER QUALITY.—Each teacher who instructs participating eligible students under the scholarship program shall possess a college degree.

Mrs. FEINSTEIN. Mr. President, I have been in public office for 30 years. I have always supported schools. I supported every charter amendment, and every bond issue to be helpful to schools. I have supported every vote to increase dollars to schools. I voted to support charter schools, magnet schools, alternative schools. I have campaigned for increasing Title I moneys that go to schools that teach poor children to try to correct the formula so the money goes where the child goes.

As a Mayor for 9 years, 3 of those years I bailed out the school district with \$3 million a year so that teacher salary increases could be paid during those years. I have traveled to many cities to see what innovative public education programs have been put into play. I have never before supported a voucher program. I do so now with a great commitment to see if this program can succeed. I do so now because those of us who believe strongly in public education—and that is 100 Members of the Senate—have perhaps been too concerned with the structure of education, the rhetoric of education, and not concerned enough about what actually works on the streets and in the neighborhoods and communities of America.

This was brought to my attention 3 years ago when the Mayor of Oakland, Jerry Brown, called me and said: My schools have deep troubles. There are so many failing youngsters. I want to try something new. I would like to try a military school, all voluntary, aimed to be geared for excellence, college preparatory. I want to have the poorest of the poor admitted to this school.

I thought about it for a while.

He said: I have been turned down by the local board of education. But that is not going to stop me.

He went to the State and got a special charter from the State. He came back here and convinced Jerry Lewis in the House, me in the Senate, to put some money in a bill to allow him to begin.

I spoke to Jerry Brown this morning. I said: Jerry, I want to give the Senate a brief progress report. How is it going in your military school?

He said: We have our startup problems, but we are doing pretty well. We have 350 youngsters. Some drop out. We have discipline. We have uniforms. We have the National Guard participating. These youngsters, 3 years later, are testing to the equivalent of the second best middle school in Oakland.

So it was a new model. It was refused by the educational establishment. But it is working for some youngsters.

When I went to public school in San Francisco, there were 350 students in the school. The class sizes were under 20. There were no other languages other than English spoken. That is certainly not the case for the most part in public education today. It has changed dramatically. Schools have student populations in the hundreds. Classes are way up in numbers. Language has run up to 40 different languages in a school. The economic and social disparity of this great diverse society makes teaching in the elementary school grades much more difficult.

I have come to believe that if I can make a difference to work for new models in education, I am going to do it. Education is primarily a local institution. Policy is set by local leaders. The Federal Government provides maybe 7 percent of educational dollars and most of those through Title I of the Elementary and Secondary Education Act.

I strongly believe that Mayors should have an input. This Mayor has asked for dollars not to be taken from public schools but new dollars: new dollars to be put in public schools, \$13 million; new dollars to be put in chartered schools, \$13 million; and new dollars to try a scholarship program to try something different.

What he has seen in the District of Columbia is too much failure. Despite the fact that each youngster receives \$10,852 a year—the third highest in the United States,—despite the fact that of the amount of money that comes into education, test scores are dismal.

Of fourth graders in the District of Columbia schools, only 10 percent read proficiently. Of eighth graders, only 12 percent read proficiently.

Think about what that means. If you are in the eighth grade and you can't read, what good is high school? You can't read to learn. Reading is a predicate to learning, just as discipline is a predicate to learning. So these youngsters become doomed.

This is not my assessment. This was a national assessment that was done in March of 2000. Of eighth graders, 77 percent are below the grade level in math. Twelve percent are proficient in reading.

I am supporting this because the Mayor wants it. I am supporting it because it is not a precedent. It is a pilot. It is 5 years. The voucher is adequate. It is \$7,500. There are 9,049 students in the District of Columbia in failing schools.

This would cover 2,000 of those youngsters; 2,000 of those youngsters would have an opportunity to have some choice in where they go to school. Would they go to a religious school or a secular school? That is up to the parent; it depends on the cost. Some families would be able to put in some additional funds, if the private school tuition is above \$7,500.

But I know for a fact there are plenty of schools where the tuition is below the \$7,500. As I said in the committee, I helped a youngster go to one of these parochial schools in the District. The tuition is \$3,800 a year. I have watched her blossom. I have watched the discipline work for her. I have watched the small classes work for her. I have watched the additional time the teacher spends with her work. I see her reading way above grade now. I see her proud of her uniform that she wears, so there is no competition for clothes. It is just one model.

The key thing that comes through to me, as somebody who listens to average people perhaps more than I do the policy works when it comes to education, is different models work for different children. We all know with our own children, what works for one child doesn't necessarily work for another. Therefore, what public education needs to do is stop worrying about structures and bureaucracies and bigness and worry about what is not working for these children. What do we do to provide a different environment? Do we divide up our campuses in a number of smaller schools? Do we build schools in office buildings—small schools, maybe with a hundred youngsters—so children can be closer to their families? What do we do? What new models do we look at?

All this Mayor is saying is these are failing schools. Why should the poor child not have the same access as the wealthy child does? That is all he is asking for. He is saying let's try it for 5 years, and then let's compare progress and let's see if this model can work for these District youngsters.

Interestingly enough, I am looking at the list of failing schools, and I see four are elementary, four are middle/junior high; and then it jumps to eight for senior high. What is the lesson in that one statistic? The lesson in that one statistic is if you have four elementary schools failing, you are going to add to that in high school; you are going to have more high schools failing and more difficulty in high school.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

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

NUMBER OF STUDENTS IN FAILING SCHOOLS, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, ENROLLMENT FOR SELECTED SCHOOLS AS OF SY 02-03

Schools	Enrollment
Elementary	
Bruce-Monroe ES	370
Stanton	622
Wilkinson	508
Fletcher-Johnson EC	528
Middle/Junior High	
Evans MS	259
Sousa MS	420
Johnson JHS	646
R.H. Terrell JHS	294
Senior High	
Anacostia SHS	693
Ballou SHS	964
Coolidge SHS	843
Eastern SHS	968
Roosevelt SHS	821
M.M. Washington CSHS	329
Woodson SHS	788
Total kids low performing schools	9049

Mrs. FEINSTEIN, Mr. President, the Mayor has asked for a 5-year pilot. He said it would be for the less affluent. They are defined by families of 4 at 185 percent of poverty. This is a family of 4 that earns \$34,000 a year, or below, and these children would be given priority by lottery to have an opportunity to go to another school. It is like a golden key. It gives them an opportunity to try something else. It is voluntary. Nobody is forced to do it. Why is everybody so threatened by it? No one is forced to do it. If a family wants to try it, this provides them with that opportunity.

Again, these are schools identified for improvement, corrective action, or restructuring. That is the language from the bill. And priority is given to students and families who lack financial resources to take advantage of educational opportunities. That is the language in the bill. So for \$7,500 a child, 2,000 youngsters will have an opportunity to try this, to see if it makes a difference.

It might offer some smaller classes, or uniforms; it might offer more attention; it might offer an easier learning environment; it may offer better discipline. Certainly, there will be some curriculum changes. There will certainly be more emphasis on reading, writing, and arithmetic—the basics, if you will.

Now we have in the Appropriations Committee, thanks to the accommodation of Senator DEWINE and Senator JUDD GREGG, made several changes in the original bill. It was brought to my attention to take a look at the Zelman Supreme Court case. Senator VOINOVICH mentioned that to us. I believe he was Governor of Ohio when Cleveland put forward this program, and it went up to the Supreme Court in a case called *Zelman v. Simmons-Harris*. So we took that case and this bill and we tried to bring them together so that we added religion to the general non-discrimination clause, which also covers race, color, national origin, and sex, and extend the nondiscrimination clause to both schools and the entity operating the voucher program. We added language clarifying that the bill does not override title VII to ensure that we don't change title VII's provi-

sions permitting religious discrimination under certain circumstances.

We deleted certain other language which we thought might impact the establishment clause. We increased the role of the Mayor to make the Mayor responsible for the details and functioning and accountability of this program, and to ensure the proper use of public funds by the schools participating in this voucher program.

The amendment I have sent to the desk is an additional strengthening of the testing and evaluation components of the bill to try to ensure that scholarship students are taught by quality teachers. Essentially what this bill says is every voucher child must be taught by a teacher that at least has a college education. Additionally, we have changed the testing requirements. I have had a conversation with Cardinal McCarrick. Since about one-third of the private schools in the Districts are Catholic schools, I talked to the Cardinal about the advisability of having the same tests given to a student on a voucher in a parochial, or secular school, as would be given to a student in the public school. He agreed that would be a very significant thing to do.

I would like to read into the RECORD a portion of the letter from Cardinal McCarrick.

... I want to assure you that we are not only open to being accountable for any public funds which the families of our students receive, but anxious to be able to prove the value of our education. This would mean being willing to administer the same set of examinations that are given in the public school system.

I was happy to be able to tell you that in the District of Columbia 47% of our students are non-Catholic—

Forty-seven percent of the students in the DC Catholic schools are non-Catholic—

and in the heavily impacted inner city areas it goes up to 67% or higher. My great predecessor, Cardinal Hickey, used to say that we don't educate them because they are Catholic, but because we are Catholic and we accept this as a responsibility for being good neighbors and committed to serving the community.

I ask unanimous consent that the full text of the letter be printed in the RECORD.

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

ARCHDIOCESE OF WASHINGTON,
Washington, DC, September 8, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: It was good to be able to speak to you on the phone on Friday. I promised to send you this letter to clarify the situation of our Catholic schools in the District of Columbia. First of all, I want to assure you that we are not only open to being accountable for any public funds which the families of our students receive, but anxious to be able to prove the value of our education. This would mean being willing to administer the same set of examinations that are given in the public school system.

I was happy to be able to tell you that in the District of Columbia 47% of our students

are non-Catholic and in the heavily impacted inner city areas it goes up to 67% or higher. My great predecessor, Cardinal Hickey, used to say that we don't educate them because they are Catholic, but because we are Catholic and we accept this as a responsibility for being good neighbors and committed to serving the community.

I am so grateful to you for your concern for the parents of these children. So many of our parents work three jobs and more to be able to afford the education in our schools. The help that this legislation would make available would be such a blessing for them.

If there is any further information that you might find useful, please do not hesitate to have your staff contact me.

With every good wish and deepest gratitude, I am

Sincerely,

THEODORE CARDINAL MCCARRICK,
Archbishop of Washington.

Mrs. FEINSTEIN. We have a provision in this bill that a scholarship recipient would essentially be tested against a control group with the same test given in the public school setting as in the private school setting.

The first component of my amendment requires that the managing entity that will run the voucher program give voucher students—not every student in private school—the same assessments they took in public schools. It also requires that the Secretary of Education, in conjunction with the Mayor, appoint an independent evaluator to study all aspects of the voucher program, with a strong focus on the academic progress of the students in the program.

The independent evaluator, which could be a think tank, could be an independent entity, will be required to evaluate the test scores of voucher students over the 5-year period, as well as the scores of a randomly selected group of comparable students who applied for vouchers but did not get them.

The test scores of the control group for which no voucher is available will be studied and measured against the scores of the voucher students.

The evaluator will be required to report back to the Congress every year on the progress, for the duration of the 5-year pilot. This amendment also requires that the test scores of both recipients and the student control group, as I said, would be studied, obviously, against one another.

I think we have a very practical, very doable trial proposal. I know on this side of the aisle there are a lot of objections to it, and I must say I am deeply puzzled by them because I do not understand what the fear is. Traditionally, the argument against vouchers always has been it takes money away from the public school. This does not. It adds money to the public school. Another argument always has been, how do we really know the students will do better? We have the testing and evaluation component in place.

Finally, the program is restricted to those most in need. These will be the poorest families in DC who will participate. They will all be families of four, earning under \$34,000 a year. So for 5

years, a child who is not making it, whose parent may be at wit's end, will have an opportunity to say, aha, I might be able to get one of those vouchers. Let's see if John, Sam, Gloria, or Betty can make it in another setting. In other words, let's try another model for our child.

Affluent people do this all the time. Affluent people have that opportunity. If their child does not do well in one setting, they can place their child in another setting. Why shouldn't the poor person have that same opportunity? This is the weight of our argument. This is the candor of our argument. I hope this is the caring point of our argument, because if this passes, 2,000 children will be able to take that pilot and 5 years from now we will know a lot more than we know today.

I have gotten a lot of flak because I am supporting it. And guess what. I do not care. I have finally reached the stage in my career, I do not care. I am going to do what I sincerely believe is right. I have spent the time. I have gone to the schools, I have seen what works, I have seen what does not work. Believe it or not, I have always been sort of a political figure for the streets as opposed to the policy wonks. I know different things work on the streets that often do not work on the bookshelves. So we will see. It is kind of interesting.

I have a member of my own staff who I do not think was very much in favor of me trying this, but at one point she came up to me and said: I must tell you something. I grew up in Anacostia. My parents could afford to send me to a Catholic school, and I went to that school. I saw so many of my peers get into such trouble and it conditioned the whole remainder of their life. Now today, she is a distinguished attorney with a solid career and a solid job.

My concern in education has always been K-6. It has always been teaching the basic fundamentals to kids so they could go on and learn, because if they do not have the basic fundamentals, it is so humiliating.

As mayor, I used to go out to Bayview Hunter's Point every Monday. I spent the afternoon with children. I talked to children. It took me 6 months to get them to look me in the eye, to be able to pronounce their names, to be able to talk directly to another human being. It took the time, the energy, and the effort. Through no fault of their own, in many cases our public institutions are so overburdened, with so many different issues, that it is difficult to provide everything for every child. Obviously, some children need more than they are getting.

I hope there will be others on my side of the aisle who will give this program a chance. I believe it will meet the test of constitutionality. I believe it is a bona fide pilot. I intend to stay with it and see what happens and see that the evaluation and the testing is adequate and carried out correctly and see what we learn for the future for our children.

Once again, I thank Senator DEWINE for his courtesy in working with me. He really has been terrific and I appreciate it very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from California for a wonderful speech, but, more important than that, for her commitment to the children of the District of Columbia. Her position on this issue is so typical of her career and what I have seen her do during the time I have been in the Senate, during the time I have served with her. That is, she does not necessarily take the conventional position. She studies issues. She goes out and looks at the issue. She goes out and sees what the issues are and tries to understand them. As she says, she listens to the street. She listens to the people. She finds out what is going on, and that clearly is what she has done in this particular case.

Again, as I have said on this floor before, I applaud her. I applaud her for her contribution to this bill. This is a better bill than it would have been but for the Senator from California. I thank her for her contribution.

Mrs. FEINSTEIN. May I say one more thing? Will the Senator yield to me for a moment?

Mr. DEWINE. I yield to my colleague from California.

Mrs. FEINSTEIN. First of all, again, I thank the Senator. It has been a great pleasure for me to work with him. I really appreciate it.

I have just been alerted that the Mayor is here. I understand the Mayor of the District of Columbia can come on the floor of the Senate. I believe very strongly, because mayors run their cities, they are responsible. Yet, in education, it is very often so frustrating because they do not have control. This is the Mayor who wants to leave a legacy of an improved education system for the District.

Those of us who read the Washington Post this morning, and the Mayor's comments addressed, I guess, to the editorial board of the Washington Post, understand the frustration. I have always been one who had a great appreciation for Dick Daley, of Chicago, who went to the State legislature and said: Give me control of appointment of the school board. And they did. He appointed some of his people to the school board and turned around the Chicago public schools. I think in a way that has set a real pattern for public education in America. I had the privilege of visiting those schools and spending a day in Chicago.

I ask consent that the Mayor be allowed to come on the floor of the Senate?

The PRESIDING OFFICER. The Mayor of the District of Columbia is authorized to be on the floor of the Senate under the rules.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Just to continue on for a moment, I think what's going to happen in America is that more mayors of big cities will get more control over the schools, whether it is by appointing the school board or whether it is by having a separate entity involved in it. In the case of Chicago, I remember the Mayor appointed his chief of staff as head of the school board and his budget person, Paul G. Vallas, as superintendent of public instruction. So they had a working team to really turn the public school system around.

I would like to welcome the Mayor of the District of Columbia to the floor of the Senate.

Welcome, Mr. Mayor. Thank you very much.

I want everybody to know this is your request and your program. I don't know how many votes on our side of the aisle we will have for it, but I think it is a very important program to try. I think it is very important. I think because of the testing we have built into it, the same tests, the evaluation component, the fact is that your feet are going to be to the fire because this is your program and it is going to succeed or fail based on your energy, your staying power, your drive, your motivation. And I know it is there.

To the Presiding Officer, and to the manager of the bill, I have made my arguments. I am happy to answer any questions there may be, but I am hopeful this amendment will be agreed to and we will have an opportunity to try this pilot program.

I yield the floor.

THE PRESIDING OFFICER (Mr. DEWINE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I appreciate the Senator from Ohio giving me the opportunity to speak at a time while the Senator from California is still in the Chamber and the Mayor of the District of Columbia is still here.

I greatly respect the leadership shown by the Mayor of the District of Columbia and by the Senator from California, who are willing to take a fresh look at children who need help. This leadership is based upon their own experiences and common sense, and wisdom to try something different.

I listened very carefully to the Senator from California. I was thinking the Senate is a good place for someone with a lot of experiences on the street and in the Mayor's office, in political campaigns, and in legislative bodies. She is someone who has enough experience to come to her own conclusions.

This is a terribly important decision. It would not even be before us if the Mayor and other local officials in the District of Columbia had not asked for it because too many of the changes that have been suggested in education are often suggested in the tone of: This is good for you. But, it rarely ever happens unless somebody says: I want this for my child, or my school district.

I remember in Milwaukee 15 years ago, there was a strange confluence of circumstances that led Milwaukee to

try to give the poorest families in the city more choices of school for their children. It only happened because Polly Williams, who was the State representative and was the leader of Jesse Jackson's campaign in Wisconsin, and the Democratic mayor of Milwaukee, and the Republican Governor, Governor—now Secretary—Thompson, all happened to come to the same conclusion. They all thought outside the box. They all did things that were different.

But the person that really made the most difference, with great respect to the mayor and with great respect to the Governor at that time, was Polly Williams, who represented parents who said: I want this for my child.

What we are hearing today in the Senate, and what the Senator from California has so beautifully stated, and the Mayor has brought to our attention, is that we have several thousand families in the District of Columbia who are saying to us: We want this for our child. We see the results. We see the figures the Senator from California cited: In eighth grade only a few children are reading at the eighth grade level, so few children are able to do math, this lack of academic success is almost a guarantee of a lack of success in life.

I was glad I had the assignment of being the Presiding Officer at the time when the Senator from California made her speech. I wanted to add to that in a couple of ways.

I think she beautifully distinguished between this proposal and a broad voucher program. We have argued those up and down the street for years. But here is what the Senator from California reminded us is different about this proposal:

No. 1, the Mayor wants it. If we were in a State, if we were in the State of California, or Tennessee, or Ohio, the money we are talking about would really be the State's money; in effect, it would be money the State was spending the way the State wanted to spend it. We just happen to be in the District of Columbia where the money is collected a little differently. This is money that local people really ought to be able to decide how to spend, and they want to spend it this way. That is one big difference.

The Senator from California said this is a pilot program. One might argue that there is not such a thing in Federal Government; that every program lasts forever. But it doesn't have to last forever. This is a chance to try to give 2,000 poor children from failing schools one option to see if they can succeed in their educational life.

We don't have many pilot programs with this idea. We have one in Milwaukee where it worked well, I thought. I have been to those schools. We learned a lot. We have some programs in Ohio, which the Presiding Officer helped to implement.

In the Nation's Capital, it might be good to have a look and see whether this idea works or not. The Senator

from California suggested in her amendment some provisions which will help make sure that it gets a fair test—requiring scholarship students to take tests similar to other students in the District, requiring the Secretary of Education and the Mayor to select an independent entity for evaluation, and to say that the teachers of these children who are on scholarships should be as well qualified as possible. Those are very sensible additions.

The Mayor wants it. It is a pilot program. And it helps 2,000 of the poorest children in failing schools by giving them \$7,500 a year of new money. This comes from no other educational program. If it is not spent for this, it goes right back into the Federal budgets. It is new money to give them that choice.

Pilot programs and studies sometimes help us learn things. For example, Vanderbilt University did a very interesting report that was published in September of 2001.

The Senator from California and the Mayor of the District of Columbia might be interested in this, too. They took a group of schools, all of which have the characteristics of potential failing schools. In this group of schools, 35 percent of the students changed school every year, and 50 percent of the students qualified for free or reduced-price lunches.

The parents of the children in those schools had a modest education themselves. It is a recipe for failure when compared to most of our schools. Yet in these schools—instead of having only 1 of 10 or 1 of 20 8th graders who score proficient in math or reading, these schools are first in the country and second in the country among African-American students, according to the National Assessment for Educational Progress in Math and Reading.

What schools are these? These are the schools on the military bases across the country. All of us can speculate as to why that is true. There might be more discipline in a military school or military environment. Another one might be that the school reports to the commanding officer of the base.

The Senator from California has just increased the accountability of the schools in these scholarship programs by saying the Mayor is directly responsible. The Mayor of the District of Columbia is going to be paying attention to these schools and these scholarship kids.

There is another thing we might learn from this study of the military. There is one other provision which I found very interesting. At the military post schools where the military children who live on the base go to school, parents must go to the parent-teacher conference. They don't have a choice. They can be court-marshaled if they don't go. They are ordered to go. I guess that might be the single most important thing.

If this education has all of these aspects—and everyone is an expert. Everybody has 1,000 ideas. There are two

things we know for absolute sure. The thing that makes the most difference in a child's education is the parent and the second thing is the teacher. Everything else all added up into a lump counts for relatively little compared to those first two.

It might be that if there are 2,000 families who go to the trouble of helping their kids move from a failing school into another school that these parents will have increased parental involvement. This might be what makes the difference in terms of their child's success. But we don't know that unless we try to find out, which we can do over the next 5 years if we support the Senator's amendment and then we support the bill that is reported.

There are a couple of other things I would like to say. The Senator from California said that she has lived long enough to do what she thought was right and that she was puzzled by the opposition to this program. I have to admit that I am puzzled, too. On my side of the aisle, I am not always in lockstep with all of the Republican ideas that come along because I have lived long enough to make up my own mind about things.

But on the idea of saying that poor children shouldn't have the same choices of schools that middle-income and rich kids have, I have never really understood the opposition. It has always puzzled me.

Let me give an example of why. This is not some idea from the Moon. The idea of giving families choices in educational institutions has been the single most successful social program we have ever had in our country's history. Most people would say that the GI bill after World War II has been our most successful social program. What happened after World War II?

At a time when only 5 or 10 percent of Americans were going to college, the Government said to the veterans: When you come home, to pay you back, we are going to give you a scholarship to go wherever you want to go to school. They said: You may go to Berkeley. You may take this money to Fisk University. You might go to Hastings in California. You can go to Vanderbilt, you can go to the University of Tennessee, you can go to Ohio State, or to Notre Dame, or Kenyon. You can go to Yeshiva. You can go to a Brigham Young University. Wherever you want to go you can go to an accredited university.

A great many of the veterans returning from World War II used their GI bills to go to high schools. Many of them went to Catholic high schools. At that time, we began to allow Government scholarships to follow students to the educational institutions of their choice.

At that time, about 20 percent of our higher educational institutions were public. About 80 percent of the students went to private schools.

It sounds strange today because now we have big public universities. In Ohio you had all of those wonderful institu-

tions—Miami, Kenyon, Oberlin—all the colleges in Ohio. And Ohio State wasn't all that big at the end of World War II. A lot of the colleges that are universities today were just small teachers colleges.

What has been the effect of allowing Federal dollars to follow students to the educational institution of their choice since World War II? What happened is that it has created more opportunities for Americans more than any other program we have ever passed. It has created not just some of the best universities in the world but almost all of the best universities in the world. It continues today in the form of the Federal Pell grant and the Guaranteed Student Loan Program. One-half or more of students who go to colleges or universities in California or in Ohio or in Tennessee go to college with a Federal grant or with a loan following them to the college or university of their choice.

When I was president of the University of Tennessee, it never occurred to me to come to the Senate and say: Senator DEWINE, I hope you will pass a law that keeps Federal dollars from following a Tennessee student to Vanderbilt or to Fisk or to Maryville College or Carson-Newman College or Howard University or Brigham Young or Yeshiva because they are private, public, or parochial. It never occurred to me. I wanted the students to have all of those choices. It helped them and it helped our university.

If we have the tradition of choice in America, and if we have 60 years of funding educational institutions by allowing the money to follow the student to the school of their choice, it has always puzzled me as to why we exempt grade schools and high schools. We even allow Federal scholarships to let money follow preschoolers to Head Start or the child care program of their choice. Many States allow juniors and seniors in high school to let money follow them to the college of their choice.

We have gotten in this rut, and it is not clear how we got there but some people are determined to keep it forever. The ones paying the price are the poor kids of America.

We just finished what has turned out to be a very unpopular set of tests in Tennessee and America, the leave no child behind test. In our State, some of the superintendents and teachers were up in arms. They said: We are not a failing school.

I said: I would not get too proud or too embarrassed about the scores in Tennessee or California because all the leave no child behind tests are demonstrating is what we already know, which is that in most of our schools in America, even some of our finest schools, there are some children who are not learning to read. They are not learning to compute. Almost all of those children are disadvantaged.

We can ignore that and adopt a new slogan that says leave no more than 35 percent of our children behind and go

right on to decide to try some other things.

As the Senator from California said, one thing we could try is to allow the District of Columbia to spend its money helping 2,000 of those children who are poor and in failing schools, help them go to a school of their parents' choice and see whether that helps.

Some people say the school choice plan is a think-tank plan, maybe a conservative plan, maybe even a Republican plan. It is none of that. Let me give an example. One of the most distinguished educators in America is a man named Ted Sizer, at Harvard University, a graduate student during the Lyndon Johnson days. He was a "power to the people," Johnson liberal Democrat. As his graduate degree thesis in the late 1960s, Ted Sizer published a proposal called "The Poor Kids Bill of Rights." The idea was that part of the war on poverty, under the LBJ programs, the Federal Government should give \$5,000, in 1969 dollars, to every poor kid—he defined poor as middle income or below; which meant half the kids—give \$5,000 to half the children in America and let it follow them to the school of their choice.

That proposal came out of the 1960s from Ted Sizer, out of Harvard, out of Lyndon Johnson's philosophy. It is as true to that philosophy as it is to Milton Friedman's philosophy.

I like better what the Senator from California said. She was not so interested in a philosophy. She was interested in parents and kids on the street. That is who we should be listening to. If the Mayor and the chairman of the city school board say: We have tried everything. We are spending \$11,000 per kid; we are putting more money into charter schools; we are improving our schools, but we have all these children who are not learning to read, could we not try to give them a chance to go to some of the same schools that they could go to if their parents had some money? That is all they are saying.

I am very glad to have been here today to hear the Senator from California address the Senate. I am glad she is here to make a difference. I am glad the District of Columbia Mayor is here to make a difference too.

Everyone, after being here for a while, looks to the end of their careers and wonders what it will look like when looking back. My guess is when the Senator from California and the Mayor of the District of Columbia look back—these decisions, which are courageous in a political sense, are decisions they will take great pride in years to come.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to support the inclusion of the District of Columbia School Choice Program contained within the fiscal year 2004 District of Columbia appropriations bill. I urge my colleagues to defeat any attempt to weaken or remove the program.

I also rise to support the amendment of Senator FEINSTEIN which strengthens that provision in the appropriations bill.

First of all, I applaud the efforts of my friend, the senior Senator from Ohio, Mr. DEWINE, for his efforts to expand school choice for the parents and schools of the District. I also applaud the leadership of Senator GREGG moving this issue forward. I also applaud Senator FEINSTEIN for her courageous support of this program and her very thoughtful amendment to the amendment to the appropriations bill.

My father, a first generation American, used to say that America enjoys more of the world's bounty than any other nation because of the free enterprise system and our educational system. This is true today as it was years ago. It we expect to remain competitive in the world marketplace and maintain our standard of living, this country needs to rededicate itself to the free enterprise and most importantly our educational system.

Some in Congress believe rededicating ourselves to this Nation's educational system means simply throwing more money at the issue, closing our eyes, hoping it will solve itself.

If spending alone ensured a quality education, the District would be one of the best school systems in the Nation. For the school year that ended June 2001, the District spent an average of \$10,852 per student. That is the third highest in the Nation. However, the 2002 national assessment of educational progress showed fourth grade students in the District held the lowest scores for writing and tied with Los Angeles for the lowest score in reading. That means 27 percent of fourth graders in the District scored below the basic level in writing, and 69 percent tested below the basic level in reading.

What a dismal message on the state of education for the families who live in the shining city on the hill, the Nation's Capital. What a terrible record to send throughout the country and the world.

We, in Congress, are obligated to do more to help the children in our Nation's Capital. I have often said that the greatest thing one could do for their fellow human being is to help them fully develop their God-given talents so they can take care of themselves, their families, and make a contribution to society. We need to empower families and children with more than just additional funding.

When I was first elected Governor of Ohio in 1990, I pledged to the people that I would draw a line in the sand for this generation of children in Ohio by making their health education my administration's top priority. As I look back, I am proud of that record in Ohio. When I left the Governor's mansion in 1998 for the Senate, Ohio led the Nation in State funding for Head Start. Every eligible child whose parents wanted them in a Head Start Program, early education had a place for them.

Many of these Head Start facilities were sponsored by religious organizations and located on the premises of religious organizations.

We were among the Nation's leaders in providing health care for uninsured children. Ohio increased funding for children and family programs by 47 percent while holding State spending to its lowest rate in 30 years. These actions and accomplishments were rooted in the belief that future generations of Ohioans would be served by a government that strived to empower families.

As the Presiding Officer knows, education begins with a family. A parent must be a child's first teacher. It was in this context that Ohio became one of the first States to undertake the challenges of implementing school choice. My colleagues in the Senate know how tumultuous a battle that program faced. It went on for years and finally ended up in the Supreme Court.

At the beginning of the Cleveland scholarship program, we provided 2,000 scholarships to children in grades kindergarten through third grade that would follow them through the eighth grade. Depending on the family's income level, the State paid between 75 and 90 percent of the cost of education. The scholarship amount did not exceed \$2,250, which provided a significant portion of the tuition at one of the participating nonpublic schools in Cleveland. The State also provided an equal number of \$500 tutoring grants to those students who did not receive scholarships but whose parents felt they needed additional help for their children.

The response to our program was overwhelming. The State received nearly 7,000 applications from Cleveland parents. More than half of the applicants were from households dependent on welfare, and half were from minorities. It was evident from the sheer number of applicants that parents were demanding options that the Cleveland Scholarship Program provided.

Today, the program has expanded. Effective July 1, 2003, students who had previously received a scholarship are now eligible to receive a scholarship for grade 9 in the 2003-2004 school year. And beginning in the 2004-2005 school year, a student who received a scholarship in the 9th grade will be eligible to receive a scholarship in the 10th grade. We are moving them along. Additionally, the scholarship amount has increased. The capped tuition for the 2003-2004 school year is now \$3,000.

From its humble beginnings in 1996, with 2,000 students, and total scholarships of \$2.9 million, the program has more than doubled its enrollment. Today it covers some 5,200 students. Additionally, total scholarship amounts have increased to almost \$10 million.

Since 1998, Indiana University's Center for Evaluation has been conducting longitudinal studies regarding the Cleveland Scholarship Program. So we have been watching it. We put the money out so we could watch how this thing has progressed.

In its most recent study, the center found that students who have participated in the Cleveland Scholarship Program since kindergarten have achieved significantly higher levels than public school students in reading and language skills.

I would also like to call my colleagues' attention to the results of an evaluation of the Cleveland voucher program that was conducted 2 years after it began by Paul Peterson of Harvard University.

In his study, Dr. Peterson found that parents of voucher recipients were consistently more satisfied with many aspects of their child's education than were parents of students in the Cleveland Public Schools. From the quality of academic programs to school discipline, teachers' skills, class size, and so forth, parents whose children were participants in the Cleveland Scholarship Program showed greater satisfaction and enthusiasm than did parents in the Cleveland Public School System.

The Cleveland Scholarship Program is merely one component of a renewal in our education system that needs to occur. I do not stand before the Senate and claim it is a cure-all for all troubled school districts. I think it is very important. Those of us who are supporting Senator DEWINE's and Senator FEINSTEIN's amendment are not claiming this is going to be the cure-all for troubled school districts. What we are saying is that it is another option on the education smorgasbord. And as the Presiding Officer so eloquently stated, why not look at some other programs that are out there? A business that is not doing very well starts to look at itself saying: What are other things we could be doing? Let's do some research and development. Let's look at some new ideas. Let's try something else.

I must tell you, as chairman of the Governmental Affairs subcommittee with jurisdiction over the District of Columbia, I support this as one of many options. We need to expand our vision. Instead of putting on our blinders, let's look at some other programs. The legislation offers the positive step toward empowering parents in the District by increasing their involvement in their child's education and offering them more choices.

Families in the District of Columbia have limited opportunity for choice in their children's education, and families have wholeheartedly embraced school choice. In 1996, the first charter schools opened in the District. The 39 charter schools operating in the District of Columbia only educate 1 in 7 children in the District. That is 15 percent of the students. Hundreds—hundreds—are on waiting lists.

Additionally, the Washington Scholarship Fund, a private, nonprofit organization, that provides scholarships for economically disadvantaged families, received over 7,500 applications for 1,000 available scholarships. It is clear that the parents of children in the District of Columbia want more options.

When I came to the Senate, I said I would not mandate a scholarship program on any jurisdiction; they had to want it. It is clear to me that the District of Columbia wants this. And it is just as clear that the District is within the responsibility of the Congress. They are our responsibility. We are not mandating every school district in America. We are increasing options for families in the District of Columbia.

Some would contend this is going to be running throughout the United States of America. We are concentrating our attention on our responsibility: the city on the hill, the Nation's Capital—our responsibility. And we are saying we want to give the parents of those children more options.

The most important thing is that this proposal for fiscal year 2004 has been drafted in consultation with and has the approval of Mayor Anthony Williams—I have talked to him about it; he is passionate about it—Council Member Kevin Chavous, chair of the Council's Committee of Education, Libraries, and Recreation; and Ms. Peggy Cooper Cafritz, president of the DC Board of Education. They are for this. They want this for their children. They are asking us for it.

The bill also contains \$13 million for charter schools and \$13 million for public schools to assist them with requirements under No Child Left Behind for teacher recruitment, training, and similar programs. Combined, the funds for these three programs represent the largest Federal contribution to the District of Columbia in the history of this country.

Unfortunately, the debate is not focused on the \$39 million in new funds for the District. Oh, no. It is on the \$13 million being considered for the scholarships. The proposed scholarship program would be authorized for 5 years, giving Congress the opportunity to monitor and evaluate the progress of schools and students—5 years. Let's watch it, just as we did in Cleveland with the longitudinal studies. Let's see how it works out. It would be overseen by the District of Columbia and the U.S. Secretary of Education.

Finally, it is a scholarship program that will help the neediest families in the District, the ones about whom the Presiding Officer so eloquently spoke. Eligible students are children attending low-performing public schools and whose household incomes do not exceed 200 percent of the poverty level. We are talking about a relatively small number of students. I think it is something like 2,000 students who would be eligible for the program.

I would like to stress to my colleagues that this is all new Federal money for students in the District of Columbia. Let me repeat: This is all new money. These scholarships are one piece of a larger proposal to address the educational needs in Washington, DC.

Certainly there is a role for Congress to play. We in Congress have increas-

ingly recognized the need for the Federal Government to serve as the State for the District, a necessity considering the unique relationship between the District of Columbia and the Federal Government.

For example, just 4 years ago, I was the chief sponsor in the Senate of the DC Tuition Assistance Grant Program, which was enacted in 1999. This program provides grants for students graduating from DC high schools to attend public universities and colleges nationwide at in-State tuition rates. In other words, we put the students in the District in the same position as if they lived in the State of Tennessee or the State of Ohio. There is a subsidy by the State so they could go on and get higher education.

It also provides smaller grants for students to attend private institutions in the DC metropolitan area and private historically black colleges and universities nationwide. So we have expanded it beyond just public. We now have private and historically black colleges included. This program has been enormously successful.

There is one final point I would like to discuss. Critics of scholarships argue that scholarships are ways for private schools, especially religious schools, to get rich quick. Incredible, just incredible. It is not true. As my colleagues may know, tuition for a student does not cover the full cost of educating a child. The difference currently is made up by private donations.

Many schools in the District run by the Archdiocese of Washington are struggling financially and would not be able to support a large influx of students. The Archdiocese estimates needing an additional \$5 million in the first year alone, should the Archdiocese fill all open seats in their schools with students on scholarships. It basically means, if they opened their doors and took advantage of the scholarship program, for them to do that, they would have to go out and find \$5 million someplace in order to educate these children.

It is the same thing in the city of Cleveland, with our nonpublic schools. We have hundreds of low-income kids who are not Catholic who are attending Catholic schools. My mother was a volunteer librarian at one of them where 70 percent of the kids were non-Catholic. There was not any proselytizing going on.

The reason they opened their doors is they believed in the two great commandments—love of God and love of fellow man. They believed the best way they could witness their faith is by reaching out and making a difference in the lives of these children, developing their God-given talents so they can take care of themselves and their families and make a contribution to society.

I will never forget one of those students was a player on the Ohio State football team. He was a big center. He went to the school where my mom was

a librarian. I went out there to one of their practices. He almost picked me up, and he looked at me and said: Are you Mrs. Voinovich's son?

I said: Yes, I am.

And he talked about the wonderful experience he had at St. Aloysius and the difference it made in his life so he could go on to high school and get a scholarship to play football.

This is what we are talking about. Why anyone would deny a student in the District the opportunity that students have had in the city of Cleveland and other places throughout the United States is simply beyond me. It is not the end of the world, if this is adopted. That is ridiculous. This is a small experiment to give people an option in their children's education.

Over the years it was argued that the Cleveland scholarship program was unconstitutional. I argued it was constitutional. I am not going to make that argument because the Presiding Officer made it in his presentation just before me, in terms of kids having money. The money goes to them, and then they can go wherever they want to go. That is in the American tradition. That is how thousands of Americans got their college education through the GI bill. The Supreme Court, on June 27, 2002, upheld the Cleveland scholarship program. When they did that, I labeled it a victory for hope. We have seen wonderful successes in Cleveland of children excelling in school, when the doors of opportunity were opened and parents could choose to offer what they believed is the best education. I believe all families deserve those options. I urge my colleagues to support this legislation for the families in our Nation's capital.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, as a member of the DC Appropriations Subcommittee, I thank Senator DEWINE and Senator LANDRIEU and their staffs for their hard work on this important legislation.

This is never an easy bill. I have been ranking member of this subcommittee in years gone by. It appears every Senator or Congressman, whoever in their weakest moment or wildest dreams wanted to be a mayor or a member of a city council, decides they can play the role when it comes to the DC appropriations bill. Thank goodness for Delegate ELEANOR HOLMES NORTON who has stood fast year after weary year, beating off every assault on home rule with some success and a few setbacks. But this bill is a tough one. It is always a tough one.

Members of Congress will do on this bill what they wouldn't dare do in their own districts or State. They will force on the District of Columbia things they would never even consider doing at home. They think it is easy. This is an area of America which, sadly, does not have a vote in Congress nor in the Senate. Frankly, they don't have to answer to the voters of the State. So

when it comes to experimenting and doing what you would never suggest at home, it is usually the DC appropriations bill that becomes that laboratory, that political playground.

Senators DEWINE and LANDRIEU, with very few exceptions, have done their level best to make certain this year's appropriations bill did not deteriorate into that particular situation. I want to take a few minutes to underscore that there is much in this District of Columbia spending bill that merits our collective endorsement.

As has been outlined, this bill provides \$545 million in Federal funds, the bulk of which will fund the District of Columbia Courts, Defender Services, and the Court Services and Offender Supervision Agency, CSOSA, for the District of Columbia.

Since the enactment of the District of Columbia Revitalization Act of 1997, these three entities are funded entirely by Federal appropriations. The Revitalization Act made substantial changes in the financial relationship between the Federal Government and the District of Columbia and in management of the DC government.

Under revitalization, the Federal Government's cash contributions to the District budget were substantially reduced. In exchange, financial responsibility for several governmental functions was transferred from the District's budget to the Federal Government.

This year additional resources are being provided to the DC courts to integrate the 18 different computer systems that track offender and litigant information. In addition, the bill provides an increase of \$6.8 million over the President's budget request which will allow CSOSA to enhance its supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders.

In addition, the bill continues level funding for the DC resident tuition program, a very successful initiative Congress established in 1999 which permits DC high school graduates to attend out of State schools at in-State tuition rates.

Among other items, the bill also provides Federal funding for hospital bioterrorism preparedness; for security costs related to the presence of the Federal Government in the District of Columbia; for support of the Anacostia Waterfront Initiative; and for the Children's National Medical Center.

It is important to recognize and emphasize that about 93 percent of the funds contained in this bill—fully \$7.43 billion, \$6.33 billion in operating expenses plus \$1.1 billion in capital outlay funds—are not Federal funds, but locally-generally revenue which must be approved by Congress before the mayor can execute his budget and begin spending these local funds.

The District of Columbia does not enjoy autonomy over the local portion of its budget but must await a congressional imprimatur. Senator SUSAN COL-

LINS has introduced bipartisan legislation designed to change that, which I hope we will have an opportunity to consider during this session of Congress.

Senator DEWINE and Senator LANDRIEU have collaborated on producing a thoughtful product. We owe them a debt of gratitude for tenaciously juggling municipal needs, amid Federal funding constraints.

I have been in their shoes as either chairman or ranking member of the District of Columbia Subcommittee and was honored to serve. I quickly learned from that experience that while the DC spending bill is technically the smallest of the 13 appropriations bills we consider each year, it usually is among the more contentious ones.

The issue before us is the issue of school vouchers. It is not just another debate about another DC appropriations measure. If this is adopted, it will be the first time in the history of the United States that the Federal Government will pay for private school vouchers in grades K through 12.

This issue was brought up a few years ago when President Bush suggested sweeping reform of public education and some of his allies said: Let's put in school vouchers for private schools at the same time.

In the Senate we took a vote on that issue. If I am not mistaken, the vote was 41 in favor of school vouchers, 58 opposed. I raise that vote because it will be of interest to see what happens now when this issue goes beyond a national program and is confined to the District of Columbia. I suspect many of those who said "we don't want school vouchers in our State" are going to say "but we will allow them to have school vouchers in the District of Columbia." That is unfortunate. It reflects an attitude toward the District of Columbia which is not complimentary. Mayor Williams is here on the floor with Delegate NORTON. I respect him very much. We agree on much more than we disagree, though we disagree on this particular issue. He was treated with a Faustian bargain. Here was the bargain the Republicans offered to him. They said: If we give you \$13 million for your public schools that you had not anticipated and \$13 million for your charter schools that you had not anticipated, will you sit still for and embrace and endorse and help us pass the first federally funded voucher program for private schools in America?

The District of Columbia struggles with a lot of spending problems. There are a lot of reasons for it I will not go into. I know he must have looked at this long and hard and thought: This is something I will have to agree to. To get \$26 million for public schools and charter schools, I am going to support the Republican voucher program.

That, unfortunately, was the decision he made. I say "unfortunately" because my respect for him has not diminished, but I am concerned that the

decision he made for the District of Columbia is a departure from where the District of Columbia has been year after year when this appropriations bill has come up. For year after year the District of Columbia has said to Congress, respect home rule. Let us make our own decisions. Now this year they have done 180 degrees. The Mayor has said: When it comes to our schools, which is the responsibility of DC local government, we are going to allow the Federal Government—in this case the Congress—to create a school scholarship program, vouchers for private schools.

DC could have done this on their own. They could have done it over the years. They didn't. There was a reason they didn't. It isn't that they didn't consider the possibility of vouchers for private schools. They considered it and voted on it and overwhelmingly voted against it. The residents of the District of Columbia, in referendum, overwhelmingly opposed vouchers for private education, overwhelmingly opposed diverting public money from public schools into private schools. That is what the people think about the concept.

It isn't confined to that concept. The Mayor's own city council opposes this, and the elected members of the school board also oppose it. But the Mayor and the president of the school board support it. They have entered into this bargain with the Republicans to go forward with a voucher program, the first federally funded diversion of public funds from public schools to private schools in the history of the United States.

It is momentous. What is particularly noteworthy is that this measure comes to us not after committee hearings, deliberation, a markup process with amendments, but comes to us, frankly, in a package in this appropriations bill which we are now changing with some drama on the floor of the Senate even as I speak.

Senator FEINSTEIN of California came forward with an amendment. She had made it clear in the Senate Appropriations Committee that she supported the voucher plan for the District of Columbia. Many of us pointed out in that hearing some deficiencies in this plan. Understand, we were given this voucher program in the Appropriations Committee where we don't usually entertain anything of that complexity—not that it isn't done, but it is done rarely—and we were given it on a take-it-or-leave-it basis. As we considered what was proposed to us, a lot of questions were raised.

Let me cite an example of one amendment I offered in the Appropriations Committee to give an idea about the mindset that is pushing this forward. I offered an amendment which said: You cannot give vouchers to a private school—public money to a private school—unless the teachers in the private school receiving the voucher money have a college degree and the

school physically complies with the life, health, and safety code of the District of Columbia.

That seems fairly reasonable for my colleagues who have voted for No Child Left Behind. Remember the President's program? The President not only required college degrees for teachers, but imposed even higher standards of excellence over the years. So to require a college degree at the private schools where we are sending public tax dollars is not a huge leap or a radical idea. It is consistent with what the overwhelming majority of the Senate said would be the minimum standard for public schools in America. To say that any private school that is supported with public taxpayer dollars has to be safe for the children—fire escapes, and alarms, the appropriate exit doors, and the like—it seems to me is just common sense. I am sorry to report to my colleagues that amendment was defeated.

Senator FEINSTEIN and the Republicans who support this DC voucher bill opposed my amendment which would have required a college degree of teachers at the private schools and would have required that those schools comply with the life, health, and safety code of the District of Columbia. I might add something. Per capita, the District of Columbia has the largest number of charter schools, which are exceptions to the traditional public school system, of any place in the United States. And even in the DC charter schools there is a requirement that teachers at these charter schools have a college degree.

When I offered the amendment in committee, you should have heard the debate. I actually heard my colleagues say: Senator DURBIN, you don't understand. These private schools are going to be experimental. We are going to try innovative approaches.

One Senator said that would rule out home schooling. Home schooling? Is that what DC vouchers are about? It strikes me as odd that we would want to engage in an experiment in private schools with standards far lower than what we are demanding of our public schools. I have to add, too, that Senator FEINSTEIN's effort to correct that problem, I don't believe, has been successful.

Let me give an example. In this amendment Senator FEINSTEIN offers, which is presently before us, there is a section on teacher quality. In describing it, she stated that all teachers in the schools receiving voucher funds must have a college degree. That is not what the amendment says. What it says is that only those teachers who teach the students on vouchers need a college degree. So this means, frankly, a school could put all of the students on vouchers in one classroom with a teacher with an associate's degree, which is a college degree. So I don't believe it was very carefully drawn. It doesn't meet the minimum standards we expect of schools in America.

Let me tell you what else is deficient in the Feinstein amendment. The amendment falls short of the requirements that we all voted and imposed on public schools in America, where we said it is not enough to have a college degree. We said in public schools we are going to require not only a bachelor's degree, but certification of ability to teach, and particularly "subject area mastery." What does that mean? If you want to stand in front of a high school class and teach chemistry, you must demonstrate that you have taken the appropriate amount of training in college to teach chemistry. Our understanding is that all of the statistics show that when the teacher in front of the classroom has not studied the subject, is merely reading a chapter ahead to stay ahead of the children, the students don't learn much. So we have said for public schools across America, this is our minimum standard—a college degree, bachelor's degree, certification, and evidence of mastery of the subject.

It means in some of my schools in Illinois that they are saying we know you have taught biology for many years and you are good at it, but you don't have the requisite number of college degree hours to meet President Bush's requirements of No Child Left Behind. You have to take biology classes in college to meet President Bush's minimum requirements for public schools.

Turn the page to this debate. In this debate, we hear from Senator FEINSTEIN and supporters of the DC voucher program that we are not going to hold the teachers in the private schools receiving Federal tax dollars to the same standards as teachers in the public schools in the District of Columbia. Something is wrong with this picture. Either we were mistaken in imposing the standard on public education, or they are lax and deficient in not requiring the same standards of teachers in private schools in the District of Columbia where these children are going to go to school.

Some of them have said this is just an experiment, and we are just going to see what happens. I can recall when my own kids were growing up and the school year started. After a few weeks, you get to meet the teacher. Before that, you may have said to your son or daughter, how are things going? They might say: Oh, I really like this teacher, or I am not getting along with the teacher. And you thought to yourself, I am going to work with my son or daughter and talk to the teacher and try to make things right. But there is a real possibility that students in some schools, public and private, can be thrust into a situation where they not only have a bad year, they have two straight bad years—bad years with teachers who are not up to the academic levels that we should require. The experiment may fail for those students. They may be in classrooms where the teachers are not ready to

teach and where, frankly, the teachers don't have the background to even consider teaching.

What happens to that student after one bad year in this experiment? Can they catch up? It is possible but more difficult. Now give them a second bad year.

This is an experiment with the lives of students. To think that a child can have a bad experience in the fourth grade and fifth grade and then catch up in the sixth grade may be wishful thinking. Some students are struggling with challenges that I never had and that my kids, thank goodness, never faced. To put them in this experimental atmosphere where teachers are not required to have the same basic minimum qualifications as teachers in public schools is a disservice to those children and their families.

We hear about experiments taking place in other places, such as Cleveland and Milwaukee. We read about one in the Washington Post the other day, where a convicted rapist, a fellow, started Alex's Academics of Excellence. He received \$2.8 million from the State of Wisconsin. It turned out that the students were not getting the kind of education they deserved there. They said it was very difficult for anybody to say no to someone who opened a school and said they were going to abide by all of the requirements of the law. That experiment failed, but it didn't just fail for those who wrote the law, it failed for those kids and their families.

Why would we say, if there is going to be a DC voucher program, that the teachers in private schools wouldn't at least meet the standards we require of teachers in public schools? Sadly, the Feinstein amendment doesn't do that. That may have been her intent, but I am afraid she didn't quite reach it in terms of satisfying that need.

There is another point that concerns me, too, and that is testing. If this is to be legitimate and honest, you would have to take the students who are in private schools and test them with exactly the same tests students in public schools take. Then you could at least compare progress. These students may be somewhat self-selected because they decided to go to a private school. At the end of the day, you ought to be able to compare test scores, in fairness, to not only the private schools but to the public schools.

Listen to what the Feinstein amendment says. It says: Student assessments are not a requirement imposed on the school; rather, it is placed on the fund recipient—a very unusual allocation of responsibility—the fund recipient that administers the voucher payout. I don't understand why the schools don't have this requirement.

The amendment goes on to say that the tests for voucher students must be the "same as" school year 2003-2004. In a way that seems to answer my challenge that the same tests be administered in the private schools as in the

public schools. But read it more closely. If these are the same tests as required in school years 2003 and 2004, consider that this is proposed as a 5-year program. So what this means is that all of the students in all grades would have to be tested as required by No Child Left Behind for public schools. Why? Because the requirements for testing in No Child Left Behind take effect and change each year.

So what Senator FEINSTEIN set up as a standard is a testing for this year only, instead of just saying pointblank the students in these schools will be tested with the same frequency and the same tests as No Child Left Behind, she has instead said only one year's testing standards, 2003–2004.

For example, by 2007, there will be a science assessment required under No Child Left Behind. So public schools across America will be taking tests indicating competency in science. Under the Feinstein amendment, they do not have to worry about that. They are only held to the standard of 2003–2004.

There is no duty in this law, as we read it, to report the findings of those tests publicly, even to the parents, only to the Secretary of Education. Why not? Where I live, the State of Illinois—the State of Ohio and other States—school test scores are reported publicly so the parents know, taxpayers know, whether the schools are performing. The Feinstein amendment does not require this.

Now here is another thing I find curious. The Feinstein amendment requires the comparison made for those students tested must include testing not just students still in public schools and students who are now in private schools being funded with public funds, under vouchers, but also a third class, those students who applied for vouchers and were rejected. So we have a third category of students who are going to be a control group for testing.

I do not quite understand this, but I do think the concept is at least challengeable, because there is no doubt in my mind that the private schools are not going to rush to accept students who are going to be problem students and challenging students. So there will be the rejected students having been controlled out into a cherry-picked group being tested separately.

It is possible these students are likely to test worse. The private schools did not want to take them in because they are going to be held accountable for some 2003–2004 tests. Why the Senator has decided to include this, I do not know.

So when we look at this bill overall and consider the elements in it, I am afraid Senator FEINSTEIN's attempt to correct the problems does not quite solve the problem. We still have some major deficiencies in this bill.

What bothers me, too, I read in the paper this morning that the Mayor has said he wants new authority over education in the public schools of the District of Columbia. At the risk of step-

ping on the toes of some of my friends, I think the Mayor is on the right path. The reason I say it is this: Many of the people who are supporting voucher programs have given up on public education, for a variety of reasons. For some political reasons, they believe the teachers' unions support Democrats and they are going to go after public education and they are going to fight the teachers' unions. Others have said, just look at the results. Some of the public schools are not very good. Therefore, there should be an alternative.

If one takes an honest approach to this, the first obligation of elected officials in this country is to the system of education which built America and the system of education which serves more than 90 percent of America's school children, and that is the public school system.

I say to the Mayor of Washington, who has joined us today, and all those who are following the debate, do not give up on public education. Things are happening that are positive in the District of Columbia. Frankly, I think they have been ignored and played down and there has been a disservice by some of the rhetoric we have heard about DC public schools.

There are good things happening: Charter schools and transformational schools, big changes that are moving in the right direction. I ask the Mayor, before he gives up on the public school system and says we have to have vouchers, that there is no other way but to take public tax funds and send them to private schools, before he gives up on public education, come to Chicago. Come and look at what has happened there. In our Chicago public school system, we have 95 percent minority students and 85 percent students under the poverty level. Yet in a rather brief period of time we have seen dramatic increases in test scores because the mayor of the city of Chicago assumed a personal responsibility for the public school system, brought in some of the most talented people he could find, challenged the parents, the teachers, the principals, and the students to do a better job and got the results to show for it.

My colleagues do not have to give up on public education. They do not have to say there is no alternative but to let kids escape public education and go to private schools. There is a lot more that can be done. It takes some hard-nosed, tough-minded leadership, but I think the Mayor may be on the right path in what he said this morning. He is willing to accept more of this responsibility personally and maybe that is what is necessary.

The Chicago experience tells me it has been a good experience. When the mayor had the power and the responsibility, good things happened. Come with me to the city of Chicago and take a drive through many tough parts of that great part of town. Homes will be found where people in the lower and

middle income are struggling to keep it together and then, like a mirage or an oasis, one will see the public school where over the last several years the Chicago public school system has dedicated dramatic amounts of money to renovate these schools and bring them back to a source of pride in the community.

No graffiti will be seen on the walls of the school. Flowers will be seen planted outside and the people in this neighborhood point to that public school with pride, because the mayor was proud of those schools and because the people in the neighborhood are, too.

If that mayor or any mayor had said these public schools are a failure, we are walking away from them, then frankly it would have created a negative environment. We need a positive environment for education. Moving to this voucher plan, without adequate hearing, without the consideration of the options that are available to us, frankly is a move in the wrong direction.

I also say to my colleagues that as I read through this bill, they must, I hope, acknowledge the fact there are several things that could happen they do not anticipate. For example, there is no prohibition in this bill that the 1,000 to 2,000 vouchers that are created, whatever number they turn out to be, will all be given to children who are already in private schools. There is no prohibition against that. Though they start with a premise and a goal of moving kids from lower performing public schools to higher performing private schools, in fact the testing is not there for comparison.

Second, there is no requirement that the family of the student receiving the voucher actually bring the student from a public school to a private school. This could end up diverting a substantial amount of money to students, and their families, already enrolled in private schools. Like it or not, the bill is inartfully drawn, and having been so poorly drawn, that could be the outcome. So they will not be proving much of a case there, will they, if students are already in the private schools?

I can go on for some time about the experiments with vouchers in private schools. I want to close, because I see Senator KENNEDY is in the Chamber and I imagine he would like to make a comment on this bill. If he does, he is certainly welcome to.

I will close my comments on the Feinstein amendment by urging my colleagues to oppose it. Senator FEINSTEIN has identified the problem. She has not identified solutions, not good solutions, not solutions that are worthy of the first-ever program in the history of the United States to divert funds from public schools to private schools under a voucher program.

From my point of view, private schools in many communities add a lot to education. I am not an enemy of private education. I am a product of

Catholic education. My wife and I both attended Catholic schools, as did our children. But we understood our responsibility. Our responsibility was first to pay our public property taxes, to support public education, and then if we chose, for religious reasons or whatever reasons, to send our children to a Catholic school, we accepted the financial responsibility of paying tuition. It was a sacrifice for many families. I think they add a lot.

I think we should take care here. We are creating a new system in the District of Columbia, and there are few protections and safeguards, if any, to stop the possibility that at some point after we have passed this bill that some group will decide to open up a private school and draw in hundreds of thousands of dollars of public taxpayer funds and the teachers in those schools may not have college degrees, only associate degrees, the testing in those schools may not match what is going on in the public schools, and the schools will be allowed to discriminate against students for such things as disabilities where they will not allow any children in who have any kind of learning disability or any physical or mental disability, which would be allowed, incidentally, under this proposal.

Is that what we want to see happen? Is that what should be the first test case of this experiment in the voucher program? I think not. I urge my colleagues to oppose this amendment. I urge them to think long and hard that if they voted against vouchers for their States, why is it now we are making an exception because the case in point involves the District of Columbia?

These students and their families deserve the same respect as the students and families in all of our States, and I urge my colleagues to keep that in mind as we consider this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, my friend and colleague from Illinois has once again demonstrated why he is known as certainly one of the best, if not the best, debater in the Senate. He does an absolutely excellent job. I always enjoy debating with him. I thank him for his contribution to this debate. I know we will have the opportunity to continue to debate in the days ahead.

My colleague from California, Senator FEINSTEIN, will, in a moment, talk about her amendment and will respond to Senator DURBIN's comments about her amendment. But I would like to make a couple of comments first about Senator DURBIN's comments.

My colleague from Illinois talked about where this plan came from. I talked earlier about the fact that it is a three-pronged program. That is what I like about it. I happen to like the fact that a third of the money goes to the public schools, a third of the money goes to the charter schools, and a third of the money goes to this new voucher program.

Somehow, my colleague seems to know—I don't know how, but he seems to know how this program started. Somehow he seems to know in his wisdom that this program was some sort of bargain deal. The House Republicans came to the Mayor and said: Mayor, here's the deal.

It is a funny thing. The Mayor, under the rules of the Senate, cannot come down here and speak. But if someone would happen to ask the Mayor, not on the floor—you can't do that; that is against the rules, but if someone someday would happen to ask the Mayor what the truth is, what the Mayor would say is that is not true, and this was the Mayor's idea; that the Mayor and his people said they wanted. This is the program we want. We want a balanced program because what we want is a choice for the children and the families of the District of Columbia. We want a balanced program.

Yes, we want more assistance for the public schools—and the Mayor has a consistent record of trying to get more money for the public schools of the District of Columbia, and he is not bashful about that. He should not be bashful about it. And he is proud about it. Yes, he wants more money to create more charter schools. Everyone who will vote on this bill needs to understand when the issue comes, when Senator DURBIN tries to strike the money, what you will be striking is \$13 million which will create more charter schools, four or five more charter schools in the District of Columbia. Everyone needs to understand that.

The Mayor is proud of the fact that the District of Columbia has created more charter schools. I must say my colleague, Senator LANDRIEU, has been integrally involved in creating those charter schools. It is something she cares passionately about.

Mr. DURBIN. Will my colleague yield for a question?

Mr. DEWINE. If I may finish the thought and then I will yield.

The Mayor also said: I want more money for my public schools. I want to continue to improve them. I want more money for the charter schools. We are proud of what we are doing in that area. And third, I want to create the voucher program.

So let's clear that up. If anyone has any doubt about it, ask the Mayor. Go to the source. What the Mayor will say is: It was my idea. I am the one who had the idea. My people put the program together. We requested it. This is what we want.

I will be more than happy to yield, not the floor, but for the purpose of conversation with my colleague.

Mr. DURBIN. I thank my colleague from Ohio.

I would like to ask through the Chair, I certainly will be ready to yield whenever he would like to ask me a question because I think this is an important part of the debate, but I ask my colleague if he is aware of two things. First, the amendment I am

going to offer will take the \$13 million out of the school voucher program and divide it equally among the public and charter schools. The money goes back into public and charter schools, so they will end up with about \$20 million each, instead of \$13 million.

Mr. DEWINE. In response, I have not seen the amendment of my colleague.

Mr. DURBIN. I thank him for acknowledging that.

Second, I ask my friend and colleague from Ohio if he is aware the Executive Office of the President released a Statement of Administration Policy on September 24. In reference to this particular program it said as follows:

The administration is pleased the committee bill puts \$13 million for the President's School Choice Incentive Fund Initiative. . . .

It doesn't refer to Mayor Williams' School Choice Incentive Fund Initiative.

Mr. DEWINE. In respond to my colleague, we all like to take credit for many things. I am sure the President is taking credit for this. I am sure I will probably take credit for it, too, if it passes. There will be many fathers and mothers of this program.

All I know is what the Mayor will tell us. The Mayor will say this is a program he put together.

What I would emphasize to my colleague is that this is a program that the Mayor says is a balanced program.

I will quote from a letter the Mayor has sent to me. I ask unanimous consent to have this letter printed in the RECORD.

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

Washington, DC, September 11, 2003

Hon. MIKE DEWINE,
Chairman, Senate Committee on Appropriations,
Subcommittee on the District of Columbia,
Washington, DC.

DEAR CHAIRMAN DEWINE: Thank you for your leadership on the District of Columbia's FY 2004 Appropriations bill. By any measure, it is a great bill for the city. In particular, I am grateful for your support for the District of Columbia School Improvement Initiative, which will help us advance the important school reform efforts underway. Certainly, the private school scholarship element has generated significant debate, and I hope that I have made the case to your colleagues that its passage is consonant with home rule and will strengthen our public education system.

I, along with the Chair of the District Council's Education Committee, Kevin Chavous, and the School Board President, Peggy Cooper Cafritz, believe that we must continue to do everything possible to strengthen our nation's public schools. This is why, in addition to a private school scholarship program, we have insisted on strong federal financial support for both the District of Columbia Public Schools (DCPS) and the public charter schools.

Since becoming Mayor, I have overseen an increase in the public education budget by more than 50 percent. This demonstrates my commitment to public schools as tremendously important institutions in our city. This increase has allowed our charter school movement to expand to 40 schools and has permitted us to launch the Transformation Schools Initiative in 15 DC public schools,

which we hope will revitalize our lowest-performing schools. After consulting with education officials, however, I have concluded that these aggressive reforms, while promising, will take years to reach most of our children. So, as these foundations expand and improve, I think it is prudent to look to the assets provided by our private schools, at least for a limited period of time.

The proposed scholarship initiative will not drain resources from our public school system. I have agreed to hold the public schools harmless from any loss of local funding arising from students' enrollments in private schools through the federally funded scholarship program. Moreover, because Title I funding is based largely on census data, we do not anticipate that DC will lose significant federal funding as a result of this program. Thus, under the scholarship initiative, our public schools will receive the same amount of funds as they otherwise would have, in order to educate fewer students.

Since our city began to debate the issue of expanded school choice, there has been speculation that this initiative will have an impact far beyond the borders of Washington, DC. Some say that what we do in the District will affect national education policy and the likelihood of pilot programs in other cities. For me, however, the issue of vouchers is more localized.

This initiative was designed by District leadership for District residents and is not being imposed on the District from outside, as some would have you believe. As mayor, I am trying to make the best choices for the residents of this city, and without a state government to which, under normal circumstances, I would make this request. In this regard, I believe it is appropriate for the federal government to act on behalf of the nation's capital when the local mayor and school board president seek assistance.

You have been a strong supporter of the District of Columbia and of our aspirations for self-government. Our city continues to improve in many ways. I hope we can count on affirmative action from the Senate in support of the School Choice Improvement Initiative and the entire FY 2004 District of Columbia Appropriations bill.

Again, I thank you for the extraordinary leadership and commitment you have shown toward the District. I look forward to continuing to work closely with you in taking the necessary actions to support the District of Columbia.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

Mr. DEWINE. This is a letter dated September 11, 2003, to me as chairman of the Subcommittee on the District of Columbia, a two-page letter from Mayor Williams to me.

I would like to quote a part of this letter to my colleagues. This is the third paragraph:

Since becoming Mayor, I have overseen an increase in the public education budget by more than 50 percent. This demonstrates my commitment to public schools as tremendously important institutions in our city. This increase has allowed our charter school movement to expand to 40 schools and has permitted us to launch the Transformation Schools Initiative in 15 DC public schools, which we hope will revitalize our lowest-performing schools. After consulting with education officials, however, I have concluded that these aggressive reforms, while promising, will take years to reach most of our children. So, as these foundations expand and improve, I think it is prudent to look to the assets provided by our private schools, at least for a limited period of time.

What the Mayor clearly is saying is that as we improve our public schools, as we have the charter schools, we need another alternative for some of our students.

Let me quote again, if I could, from the letter:

The proposed scholarship initiative will not drain resources from our public school system. I have agreed to hold the public schools harmless from any loss of local funding arising from students' enrollments in private schools through the federally funded scholarship program. Moreover, because Title I funding is based largely on census data, we do not anticipate that DC will lose significant federal funding as a result of this program. Thus, under the scholarship initiative, our public schools will receive the same amount of funds as they otherwise would have, in order to educate fewer students.

Let me quote another part of the letter:

This initiative was designed by District leadership for District residents and is not being imposed on the District from outside, as some would have you believe. As mayor, I am trying to make the best choices for the residents of this city. . . . In this regard, I believe it is appropriate for the federal government to act on behalf of the nation's capital when the local mayor and school board president seek assistance.

At this point, before I yield to my colleague, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CARPER. Will the Senator make the request again?

The PRESIDING OFFICER. The Senator has requested the yeas and nays.

Mr. DURBIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will withhold.

The question is on the call for the yeas and nays. Is there a sufficient second?

At the moment there is not a sufficient second.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I very much disagree with the position of the Senator from Illinois. I understand this is something that is new. I understand it is something being tried. I understand it turns counter to a lot of what has been done in the educational establishment today. But that doesn't mean it shouldn't be tried.

I wish to correct one point. I asked the Mayor if he believed he got a Faustian bargain. He said no, he didn't. He said: As a matter of fact, I proposed the three-pronged asset portion of this. In other words, one-third of the money would be new money to the schools, one-third of the money would be new money to charter schools, and one-third of the money would be new money to try this special scholarship program for poor children.

I would like the RECORD to reflect the rationale for the language in my amendment on the testing. In order to guarantee a valid and statistically reliable evaluation, we are told it is vital that we have the scholarship student and those students who applied for the scholarship but didn't get it take the

same test for all 5 years. If the District should switch tests at some point in the 5-year duration of the program, we need to continue giving the test to start with, which today in the District is the Stanford 9 test. That is a norm-referenced test which is given all over the country, and it would preserve the evaluation. The use of the same exact test for all 5 years is critical to be able to compare apples to apples. If the District changes tests during these 5 years, you have a false comparison; you have apples to oranges. That is the reason the language is as it is.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. May I finish?

Any parent applying for this scholarship must agree that their child will take the Stanford 9 test for all 5 years regardless of whether they receive a scholarship or not.

Let me tell you what this is all about. I recognize the Senator doesn't like it. That is fine. He doesn't have to vote for it. But what this is all about is that 76 percent of DC fourth graders performed below basic in math, and only 10 percent read proficiently. Only 12 percent of eighth graders read proficiently.

That is what this is all about—to see if, by learning some of the basics, these children have a better start in education in a different model, in a different setting, with a different structure than currently exists in public education. It may work. It may not work. But these are all poor children. They are all in failing schools. Why not give them a chance?

I suppose you could fault it by saying, well, everyone who instructs one of these children in these schools should have more than a college degree. Sure. I would like to do it. I don't know that we can condition the requirement in every private secular school or every private parochial school that may accept one of these children.

I took high school classes from nuns who didn't have college degrees. And guess what. I got into Stanford based on what I learned in high school. So I came to realize that these absolute requirements may be right if we are going into this on a permanent basis, but we are not; we are going into it on a temporary basis. This pilot gives us an opportunity to see whether these children progress better in different settings. What is the difference if those different settings happen to be private parochial, or they happen to be private secular school settings?

I cannot tell you how many parents write to me and ask: Can you help me get my child into a private school? Please help me. These are parents who have funds. What about the parents who do not have funds? They don't have a chance at this. All this does is give them that opportunity.

If you do not like it, don't vote for it. That is easy. But some of us want to see what works and what doesn't work.

They said the same thing to Oakland Mayor Jerry Brown about his idea to start a military school in Oakland. A public military school? Horrors. The school board voted it down. Fortunately, the Mayor of Oakland is a persistent personality. He went to the State and got a special charter to open a military school so that youngsters from the deeply troubled socio-economic areas in the city of Oakland would have a shot of going to college. Now they have 350 kids who are 3 years into the program, and they are testing as the second best middle school in Oakland. That is discipline. It is amazing. Different models work for different youngsters.

That is why I am supporting this approach.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. You might not find the "i" dotted or the "t" crossed exactly the way you would like to have the "i" dotted or the "t" crossed.

This isn't a program that is national. It is not a program that is going to exist for 50 years. It is a program that is going to be tried for 5 years. Either poor children will do better or they won't. And the test is going to be—

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. I don't know whether I want to yield to the Senator or not.

Mr. DURBIN. Just say no. No is also an answer.

Mrs. FEINSTEIN. I beg your pardon? Mr. DURBIN. No is an answer, if you don't want to answer.

Mrs. FEINSTEIN. I am thinking about it.

Mr. DURBIN. It is your prerogative.

Mrs. FEINSTEIN. Yes. I yield.

Mr. DURBIN. I thank my friend and colleague from California.

I have no doubt that she offered this amendment—I say through the Chair—to address some of the concerns raised in the committee.

I ask my friend from California to turn to page 2 of her amendment and consider paragraph B on page 2. I will read it. It says:

Use the same assessment every school year used for school year 2003-2004 by the District of Columbia public schools to assess the achievement of DC public school students.

I will ask the question, and then I will sit down.

Mrs. FEINSTEIN. Fair enough.

Mr. DURBIN. Currently, the DC Public School System, like many public school systems, is in transition under the No Child Left Behind Act and the 2005 requirement that students be tested every year. Currently, their public school students are only tested every other year.

By establishing as a standard for the next 5 years for the District of Columbia voucher program using the 2003-2004 assessments, the Senator is saying they will only be tested every other year, while students in public schools by the year 2005 have to be tested every year.

If the Senator had said here that you will comply with the No Child Left Behind Act testing requirement, it would have been easy. But instead, you picked one particular year, and I don't think you reach the standard which you have described to our colleagues.

Is that true or not?

Mrs. FEINSTEIN. What you have just stated and what I have been told is that in order to have a fair test evaluation and compare apples to apples, the same test has to be used, which in the District is the Stanford 9, for the 5-year period. So that is the test now being given. If the District changes—I think it is called a criterion-based test—and I gather the District is considering changing them, this control group would still have to take the Stanford 9 to see if they have progressed.

Now I am told if somebody says, I am happy to change it, I am told you cannot get a fair test if we change it.

Mr. DURBIN. If the Senator will yield the floor, I would like to ask this question.

Does the Senator understand that by the year 2005 under No Child Left Behind, every public school in America, including the District of Columbia, will have to test every grade every year; but in the current school year, schools are moving toward that goal. In the District of Columbia they are only testing every other year.

It is not a question of changing the test. I am asking the Senator from California, does she understand if we stick to the 2003-2004 standard, she will only be testing every other grade while every public school in the District of Columbia and across the Nation will be moving to every grade, every year by 2005? Her bill, her standards, will not be following that same assessment.

Mrs. FEINSTEIN. As I understand it, the Stanford 9 is a nationally norm-referenced test. It can certainly be given every year, and I believe the Mayor will agree to that.

If your question is, Are you saying the students will be tested every other year instead of every year, what I am saying is we can use it every year. If you are saying we want the test to change in the middle of the test period, I am being told that will mess up any fair evaluation.

Mr. DURBIN. Will the Senator yield?

Mrs. FEINSTEIN. Yes.

Mr. DURBIN. I am not suggesting changing the test. The same test should be administered in a private school as administered in a public school.

I am suggesting to the Senator, as she has written this amendment, the 2003-2004 testing in the D.C. public schools, her standard for 5 years only tests every other grade. By 2005 every grade will be tested. It is not the substantive test that is the issue. It is a question of whether every grade will be tested every year.

The reason I raise this, and I hope the Senator agrees, should have been

worked out in the education committee after hearings and markup in the amendment process. We are doing it on the fly, on the floor, creating the first private school voucher program in America and discussing as we go.

That is my concern.

Mrs. FEINSTEIN. I appreciate the Senator's concern.

If the Senator from Ohio agrees, I am very happy to have my amendment modified to provide that the voucher recipients and the students in the control group be given the same test that all District public schools students are given.

With respect to this being done in the education committee, I probably agree, except it would probably get bogged down one way. The reason it is in the appropriations bill is because the Mayor has come to us and asked us for the additional money. The additional money is what brought this on. Once the additional money was in the bill, then the terms of the money came to bear and the bill had to be written.

It is not easy. There are powerful forces against it. People do not want to try it. I do. I hope a majority want to try it. We have tried to do the best we can.

Even more importantly, what has been developed here is a relationship between the city and Members of this Senate with this Mayor. I happen to respect this Mayor. I am a taxpaying citizen of this District. I have been so for 10 years. I used to go down the street where there was a pothole so big somebody plugged it up with a mattress. I am very pleased to say, Mr. Mayor, that pothole is gone now. The District is in much better shape. People are coming back to the District. He wants this.

The question was also raised, it is easy to do it here. I am not in my own jurisdiction. I tried to point out, the mayor of Oakland came to me in my own jurisdiction to do something that was a new model; I agreed to it. I am going to look at new models and try to support them where I can, also support teachers, also support Title I, and also support public education.

AMENDMENT NO. 1787 TO AMENDMENT NO. 1783, AS MODIFIED

I ask the Member from Ohio if he would be in agreement that we submit a modification and ask our amendment be modified to reflect that the test be given annually?

Mr. DEWINE. I would certainly have no objection to that. It at best is ambiguous. It is always good to clarify.

Mr. REID. Mr. President, may I direct a question to the Senator from Ohio?

The PRESIDING OFFICER (Mr. CRAPO). The Senator from California has the right to modify her amendment. However, to do so, she would have to send it to the desk.

Mrs. FEINSTEIN. I modify the amendment on page 2, line 3, strike "that are used for school year 2003-2004."

I send that modification to the desk. The PRESIDING OFFICER. The Senator has the right to make that modification to her amendment. However, she needs to send a modification to the desk.

Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 1787), as modified, is as follows:

On page 31, strike line 13 and all that follows through page 32, line 2, and insert the following:

(c) STUDENT ASSESSMENTS.—The Secretary may not approve an application from an eligible entity for a grant under this title unless the eligible entity's application—

(1) ensures that the eligible entity will—

(A) assess the academic achievement of all participating eligible students;

(B) use the same assessments every school year that are used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), to assess participating eligible students in the same grades as such public school students;

(C) provide assessment results and other relevant information to the Secretary or to the entity conducting the evaluation under section 9 so that the Secretary or the entity, respectively, can conduct an evaluation that shall include, but not be limited to, a comparison of the academic achievement of participating eligible students in the assessments described in this subsection to the achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in District of Columbia public schools who sought to participate in the scholarship program but were not selected; and

(D) disclose any personally identifiable information only to the parents of the student to whom the information relates; and

(2) describes how the eligible entity will ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship), and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the assessments used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), for the period for which the student applied for or received the scholarship, respectively.

(d) INDEPENDENT EVALUATION.—The Secretary and Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year pilot program under this title, and shall make the evaluations public. The first evaluation shall be completed and made available not later than 9 months after the entity is selected pursuant to the preceding sentence.

(e) TEACHER QUALITY.—Each teacher who instructs participating eligible students under the scholarship program shall possess a college degree

Mrs. FEINSTEIN. I yield the floor.

Mr. DEWINE. 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 remarks of Mr. REID are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. SMITH). The Senator from Arizona.

DO-NOT-CALL REGISTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3161, the FTC's ratification of authority for the Do Not Call Registry, under the following conditions: 45 minutes under the control of the chairman of the Commerce Committee or his designee, and 45 minutes under the control of the ranking member or his designee; of the time under the control of the ranking member, the following Senators be recognized to speak for up to 5 minutes each: Senators HOLLINGS, DORGAN, CONRAD, KOHL, PRYOR, SCHUMER, and FEINSTEIN, with the remaining time under the control of the Democratic leader or his designee; further, that no amendments be in order to the bill; and that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, reserving the right to object, I only ask that the ranking member, Senator HOLLINGS, be given up to 10 minutes out of the 45 minutes under his control.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

Mr. REID. Mr. President, I think everyone should be advised that if all the time is used, we will vote at about 5:35 on final passage of this most important legislation.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be glad for the time to be 10 minutes for Senator HOLLINGS, but I remind my friend from Nevada, Senator HOLLINGS will be controlling the time. So he will be granting himself as much time as he may use because the unanimous consent request is that the time will be under the control of the ranking member or his designee.

Mr. REID. Mr. President, I say to my friend from Arizona, Senator HOLLINGS is the ranking member, and the unanimous consent request does say that. However, he is going to speak and then turn the time over to the ranking member of the subcommittee, Senator DORGAN of North Dakota.

Mr. MCCAIN. Good. But I have always proceeded under the assumption that Senator HOLLINGS can speak whenever he wants to, for however long he wants to. I have found that it has improved our relationship.

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

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3161) to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, does the Senator from South Carolina care to speak at this time?

Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, marketers assault Americans' privacy every day. Businesses track everything we buy and everything we do. It seems the marketers know more about our lives than we do ourselves. It is intrusive, and Americans want the tools to fight back.

But those of us who work to protect Americans' privacy are thwarted every step of the way. The marketers oppose antispam legislation. The marketers oppose decency limits on advertising to children. And the marketers oppose legislation that would allow Americans to "opt-out" of the sharing of their personal information, including financial records.

The one success we have had is the Do Not Call list. The public's vociferous reaction to the court decision yesterday shows the country's desire to win refuge from the marketing onslaught. The public wants the Do Not Call registry. And the public wants the registry to become active next week. We will make sure that happens.

But we have several Johnny-Come-Latelys to our cause. When I was chairman of the Commerce Committee last Congress, we worked with the FTC to create the Do Not Call Registry. But we didn't get much help from the other side. Instead we were unfairly criticized by interest groups for jeopardizing their funding.

We fought to win \$18 million for the registry in the omnibus appropriations bill last year. But the House wanted language that would prohibit using that funding absent explicit Congressional authorization. The House language could have stopped the registry. Again, it was an uphill battle, and we had few allies. But we eventually got the bad language removed, giving the FTC the funds to implement the Do Not Call Registry.

Once the FTC opened the list to registration, the response from the American public was overwhelming. By yesterday, Americans had registered more than 50 million phone numbers. South Carolinians have registered 685,393 phone numbers—486,533 through the FTC Web site, 198,855 via phone, and 5 through hearing-impaired devices. The marketers argued that Americans did not want the Do Not Call list, but the American public proved them wrong. Americans want this tool. They want the assault on their privacy to stop. Once news reports showed the Do Not