

make progress on it, I will listen, but I am very disappointed in that.

Ms. LANDRIEU. Mr. President, if I may make a suggestion—Senator DEWINE can speak for himself—this bill is so important and this subject is so important to so many people, I am wondering if we could just be flexible and move the discussion of DC in and out of other things, not stopping anything else that is important or would take precedence, but this issue really deserves full debate. As you know, the hours of Senate debate are not always completely and fully taken. I offer for consideration that we have time this morning, we will have time on Monday, and if the leadership wants to move to something else, we could temporarily set this aside and come back to it. There are many Members, at least on our side, who really want some time to speak about this issue. They are most certainly entitled to because it is a very important issue—not just for the District but for the Nation. I lay that out to my friend and colleague as a suggestion.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2765, which the clerk will report.

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 PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, we made very good progress yesterday on the District of Columbia bill. We were able to approve a very constructive amendment by my colleague and friend from California. Senator FEINSTEIN brought to the floor an amendment that brought about more accountability in regard to the section of the bill having to do with the scholarship provision. We did make very good progress. As the majority leader said, we have the opportunity to keep this bill moving forward. We have the opportunity today for Members to come to the floor and discuss the bill. We will have the opportunity all day Monday for Members to come to the floor to offer amendments. We are certainly going to be open for business Monday for Members to come to the Chamber and offer amendments.

I know my colleague from Illinois was on the floor and talked about offer-

ing an amendment to strike the scholarship provision. He certainly has the opportunity to do so, and we can have a very rigorous debate. We started that discussion yesterday, and we can continue it. We hope we can get a vote at some point on that issue.

My friend and colleague, the ranking member on the committee, has had some suggestions. I assume those will become an amendment at some point. We had a good debate last night, along with our colleague from Delaware. They have some ideas that will become a part of an amendment at some point, we assume. We can debate that.

There is good opportunity for good debate. I encourage my colleagues to get those into the form of an amendment, get down here, and let's debate it and move this bill forward.

This is a good bill. This is a bill my colleague from Louisiana and I have worked long and hard on.

As we discussed yesterday, it is a bill that is focused to a large extent on the children of the District of Columbia. It has a provision I take a lot of pride in, and I know my colleague takes a lot of pride in, and it has to do with foster care. We have heard the horror stories, and we have read the excellent series of articles that appeared in the Washington Post—very frightening and troubling articles that the Post has run over a series of months about the horrible situation in the foster care system in the District of Columbia. Children have been neglected and abused; they have not been taken care of.

This bill says, for the first time, that the Federal Government and this Senate intend to try to do something about it. Senator LANDRIEU and I held hearings. We brought in experts from across the country, brought in experts from the District of Columbia. We brought everybody together and said, OK, what is the problem? They told us some of the problems, and we got experts from outside the District who told us of some of the problems as they perceived them. We took that advice and came up with three or four ideas—not our ideas but the experts' ideas—and we put them together in this bill and provided a significant amount of money. That is what is in the bill. So we have the Federal Government taking some responsibility in this area and beginning to move forward.

It is our intention with this bill that this will be the first step. Senator LANDRIEU and I have pledged, as long as we have anything to do with this bill—which I imagine will be for the next several years—that we will move forward to try to help these foster care children. So this is something of which Members of this body can be very proud.

This bill also continues our efforts to deal with the homeland security problems. Since September 11, we have become even more aware of the unique security needs of the District of Columbia. We are a target; we understand that. My colleague in the chair well

knows about this, as the chairman of the committee has been very cognizant of this and helped us to deal with these problems in the District of Columbia as we have worked with the Mayor. This bill continues to try to address these problems.

Thirdly, the bill also addressed some of the long-term infrastructure problems of the District of Columbia. These are issues that are not very glitzy or exciting but what we have to deal with in the long-term. So this is a strong bill, a more reasoned bill, a bill within budget, but it is a bill of which we all can be very proud.

Let me turn to the fourth item which is, frankly, the only contentious issue in this bill, the scholarship program. I believe it is a very well-balanced, well-thought-out section of the bill. It is something that Senator FEINSTEIN, as we discussed yesterday, has been so very helpful in crafting. As I said yesterday, she went so far to help improve the language. The bill in front of us today, frankly, is a better bill because of what my colleague from California, Senator FEINSTEIN, has contributed in her suggestions. She came to Senator GREGG and to me and to the chairman and said she had some suggestions that would improve the constitutionality, allow the Mayor to be much more involved, and would make the system much more accountable so we can measure how well the children are doing, and we incorporated those changes.

Then, yesterday, she had an additional amendment that provided for testing being the same for the children who would be in the program as children not in the program. We adopted that by voice vote yesterday. So she has been a great trigger to this bill, and this scholarship program will be a lot better because of what she has done.

As I was saying, it is a very balanced program. It is a program, as we talked about yesterday, that was designed—and I think this is significant and we need to keep it in mind—not by us but by the Mayor of the District of Columbia. If anybody has any doubts about this, they can just go ask the Mayor. The Mayor is the one who designed this program. The Mayor said: Give me more help with public schools. So we said, yes—with \$13 million more for the public schools.

The Mayor said: Give me more help with the charter schools. The Mayor has been working to expand the charter schools. My colleague from Louisiana has been very helpful in this regard. She has taken the charter schools on as something in which she has been very much involved. We have done that with this bill with \$13 million more to expand the charter schools. It will allow for the creation of three or four or five more charter schools in the District of Columbia.

The third prong the Mayor outlined was this: He said give me some help to create these new scholarships for children, and they and their families will

have choice. That is what the bill provides: money for public schools, money for charter schools, and money for the new scholarships for the parents to go out and choose schools—private schools—if that is what they want to do. Again, this is what the bill does: \$13 million for public schools, \$13 million for charter schools, and \$13 million for the choice to go out on these scholarships and choose the private schools. It is a well-balanced approach, designed by the Mayor, by the people of the District of Columbia.

Mr. President, this is a well-developed bill, a well-designed bill. I think it is something of which we can all be very proud. So I encourage my colleagues to come down to the floor today and debate this bill, and then as we begin this process today and continue the process on Monday, come to the floor on Monday and offer these amendments so that we can proceed. We got a great start with the adoption of the Feinstein amendment yesterday. We now need to move forward and continue the process. I thank the Chair. I know my colleague from Louisiana wants to discuss this bill.

At this point, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I want to begin by commending, as I have often, my colleague from Ohio for his leadership on this issue. It has been a joy and a privilege to work with him as we have alternated the chairmanship of this very important committee for this region and this Nation and, obviously, for the residents of the District itself. It has been a real joy to work with him. We have found a tremendous amount of common ground in the course of these few years, and I think we have made a lot of progress in some of the most complex challenges here in the District. He noted this morning the challenge, still, with the foster care system and its weaknesses, and he outlined how this committee and this Congress has worked in partnership, very closely, with all the city leaders to recognize the problems, admit them, and begin to put in the resources and the management changes necessary to make that child welfare system much better and, hopefully, a model for the Nation.

I am proud to have worked with him, along with other Senators. Senator DURBIN is one, along with Senator HUTCHISON from Texas and others, who worked on some initial foundation work on restoring fiscal discipline, if you will, and fiscal health to the District. That is another accomplishment of which we can be very proud, both on the Democratic and Republican sides.

So as my colleague from Ohio has said, there is a lot to be proud of in this bill. There is a tremendous amount of progress that has been made, and we will continue to find common ground where we can. But there is one area of this bill where we

are struggling to find common ground, and I am not sure we will be able to because principles are very important in terms of education reform and accountability.

I want to start this discussion this morning on that proposal by sharing an article that I read in the paper this morning on a completely different subject, but I think it makes the point very well.

We woke up this morning to read a headline in the New York Times on the front page. The headline says: "Dogged Engineer Pressed NASA on Shuttle, but Rebuffs Were Constant."

I submit this article for the RECORD because it is lengthy and it is very detailed, but it is excellent. I ask unanimous consent to print the article in the RECORD.

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

[From the New York Times, Sept. 26, 2003]

DOGGED ENGINEER'S EFFORT TO ASSESS SHUTTLE DAMAGE

(By James Glanz and John Schwartz)

HOUSTON.—Over and over, a projector at one end of a long, pale-blue conference room in Building 13 of the Johnson Space Center showed a piece of whitish foam breaking away from the space shuttle Columbia's fuel tank and bursting like fireworks as it struck the left wing.

In twos and threes, engineers at the other end of the cluttered room drifted away from their meeting and watched the repetitive, almost hypnotic images with deep puzzlement: because of the camera angle, no one could tell exactly where the foam had hit.

It was Tuesday, Jan. 21, five days after the foam had broken loose during liftoff, and some 30 engineers from the National Aeronautics and Space Administration and its aerospace contractors were having the first formal meeting to assess potential damage when it struck the wing.

Virtually every one of the participants—those in the room and some linked by teleconference—agreed that the space agency should immediately get images of the impact area, perhaps by requesting them from American spy satellites or powerful telescopes on the ground.

They elected one of their number, a soft-spoken NASA engineer, Rodney Rocha, to convey the idea to the shuttle mission managers.

Mr. Rocha said he tried at least half a dozen times to get the space agency to make the requests. There were two similar efforts by other engineers. All were turned aside. Mr. Rocha (pronounced ROE-cha) said a manager told him that he refused to be a "Chicken Little."

The Columbia's flight director, Le-Roy Cain, wrote a curt e-mail message that concluded, "I consider it to be a dead issue."

New interviews and newly revealed e-mail sent during the fatal Columbia mission show that the engineers' desire for outside help in getting a look at the shuttle's wing was more intense and widespread than what was described in the Aug. 26 final report of the board investigating the Feb. 1 accident, which killed all seven astronauts aboard.

The new information makes it clear that the failure to follow up on the request for outside imagery, the first step in discovering the damage and perhaps mounting a rescue effort, did not simply fall through bureaucratic cracks but was actively, even hotly resisted by mission managers.

The report did not seek to lay blame on individual managers but focused on physical causes of the accident and the "broken safety culture" within NASA that allowed risks to be underplayed. But Congress has opened several lines of inquiry into the mission, and holding individuals accountable is part of the agenda.

In interviews with numerous engineers, most of whom have not spoken publicly until now, the discord between NASA's engineers and managers stands out in stark relief.

Mr. Rocha, who has emerged as a central figure in the 16 days of the Columbia's fight, was a natural choice of his fellow engineers as a go-between on the initial picture request. He had already sent an e-mail message to the shuttle engineering office asking if the astronauts could visually inspect the impact area through a small window on the side of the craft. And as Mr. Rocha was chief engineer in Johnson Space Center's structural engineering division and a man with a reputation for precision and integrity, his words were likely to carry great weight.

"I said, 'Yes, I'll give it a try,'" he recalled in mid-September, in the course of five hours of recent interviews at a hotel near the space center.

In its report, the independent Columbia Accident Investigation Board spoke of Mr. Rocha, 52, as a kind of NASA Everyman—a typical engineer who suspected that all was not well with the Columbia but could not save it.

"He's an average guy as far as personality, but as far as his engineering skills, he's a very, very detail-oriented guy," said Dan Diggins, who did many of the interviews for the report's chapter on the space agency's decision-making during the flight and wrote that chapter's first draft before it was reworked and approved by the board. Never in hours of interviews did Mr. Diggins find a contradiction between Mr. Rocha's statements and facts established by other means, he said.

Mr. Rocha's experience provides perhaps the clearest and most harrowing view of a NASA safety culture that, the board says must be fixed if the remaining shuttles are to continue flying.

EARLY LOVE WITH SHUTTLE

Alan Rodney Rocha loved the Columbia long before it was lost. In August 1978, as a young NASA engineer, he took his first business trip for the agency to Palmdale, Calif., where the still unfinished Columbia sat in a hangar among the Joshua trees, awaiting its first mission.

Working from 6 p.m. to 6 a.m. each night, he had the job of climbing into the orbiter's wheel well, through the fuselage and among the labyrinth of tubes, wires, struts and partitions in the right wing, to check that each of 200 strain gauges were just where the plans said they should be. And the Columbia took its place in his heart.

"I felt so privileged to be there," he said. The Columbia took its maiden flight in 1981; five years later its sister vessel the Challenger was lost with its crew of seven when O-ring seals in one of the solid rocket boosters failed in the launching, severing a strut connecting the booster to the shuttle's external fuel tank.

For Mr. Rocha, the Columbia disaster began on the eve of its final liftoff. That afternoon, he and other engineers were stunned to learn of new tests at a NASA laboratory showing that a ring attaching the rocket boosters to the external tank had not met minimum strength requirements. As he watched, managers hastily considered the problem at a prelaunching meeting beginning at 12:10 a.m. on Jan. 16.

Instead of halting the launching on the spot, Mr. Rocha said, the shuttle manager,

Linda Ham, granted a temporary waiver that reduced the strength requirements, on the basis of data that the investigation board later found to be flawed. Mr. Rocha would draw on an old rocketry term—"launch fever"—to describe what had happened at the meeting.

The launching went ahead that Thursday morning. The ring held, but an unrelated problem turned up when insulating foam tore away from an attachment to the external tank 81.7 seconds after liftoff and struck the orbiter's left wing.

Mr. Rocha said that when he learned of the foam strike in a phone call on Friday afternoon, he gasped. All weekend he watched the video loop showing the strike, and at 11:24 p.m. on Sunday, he sent an e-mail message to the manager of the shuttle engineering office, Paul Shack, suggesting that the astronauts simply take a look at the impact area.

Mr. Shack never responded. But by Tuesday afternoon, Mr. Rocha was showing the loop to the so-called debris assessment team at the meeting in Building 13, where he had his own office. As arresting as the images were, the team agreed, they were too sketchy to draw conclusions without new images.

To engineers familiar with the situation, the request was an easy call. "We all had an intense interest in getting photos," said Steven Rickman, a NASA engineer whose staff members served on the assessment team. "As engineers they're always going to want more information."

In his second e-mail appeal for satellite imagery, Mr. Rocha wrote in boldface to Mr. Shack and other managers, "Can we petition (beg) for outside agency assistance?"

But Mr. Rocha did not know that the strange politics of the NASA culture had already been set in motion. Calvin Schomburg, a veteran engineer who was regarded as an expert on the shuttle's thermal protection system—though his expertise was in heat-resisting tiles, not the reinforced carbon-carbon that protected the wings' leading edges—had been reassuring shuttle managers, Mr. Diggins said. Mr. Schomburg either "sought them out or the managers sought him out to ask his opinion," Mr. Diggins said.

Whether because of Mr. Schomburg's influence or because managers simply had no intention of taking the extraordinary step of asking another agency to obtain images, Mr. Rocha's request soon found its way into a bureaucratic dead end.

On Wednesday, an official Mr. Schomburg had spoken to—Ms. Ham, the chairwoman of the mission management team—canceled Mr. Rocha's request and tow similar requests from other engineers associated with the mission, according to the investigation board. Late that day, Mr. Shack informed Mr. Rocha of management's decision not to seek images.

Astonished, Mr. Rocha sent an e-mail message asking why. Receiving no answer, he phoned Mr. Shack, who said, "I'm not going to be Chicken Little about this," Mr. Rocha recalled.

"Chicken Little?" Mr. Rocha said he shouted back. "The program is acting like an ostrich with its head in the sand."

Mr. Shack, Mr. Schomburg and Ms. Ham declined to comment for this article or did not respond to detailed requests for interviews relayed through the space agency's public affairs office.

On the day he talked with Mr. Shack, Mr. Rocha wrote an anguished e-mail message that began, "In my humble technical opinion, this is the wrong (and bordering on irresponsible) answer." He said his finger hovered over the "send" key, but he did not push the button. Instead, he showed the draft message to a colleague, Carlisle Campbell, an engineer.

"I said, 'Rodney, that's a significant document,'" Mr. Campbell said in an interview. "I probably got more concerned or angry than he did at the time. We could not believe what was going on."

But Mr. Rocha still decided he should push his concerns through official channels. Engineers were often told not to send messages much higher than their own rung in the ladder, he said.

#### TAKING THE ISSUE HIGHER

The next day, Mr. Rocha spoke with Barbara Conte, a worker in mission operations, about spy telescopes. In a written response to reports' questions, Ms. Conte said her colleague "was more keyed-up and troubled than I had ever previously encountered him."

That day, she and another NASA employee, Gregory Oliver, took the issue to Mr. Cain, the Columbia's flight director for landing, at an unrelated meeting.

"We informed LeRoy of the concern from Rodney" and offered to help arrange an observation by military satellites, Mr. Oliver wrote on March 6—a month after the accident—in a previously unreleased e-mail chronology of shuttle events. The message continued, "LeRoy said he would go talk to Linda Ham and get back to us."

About two hours later, at 12:07 p.m. that day, Mr. Cain sent out his own e-mail message saying he had spoken with management officials, who had no interest in obtaining the images. Therefore, Mr. Cain wrote, "I consider it to be a dead issue."

It was not over for Mr. Rocha, though. On Thursday afternoon, Jan. 23, he encountered Mr. Schomburg, the expert on the heat-resisting tiles, on the sixth floor of Building 1, where most of the managers had offices. They sat down in the anteroom of an office and began arguing about the need for imaging, said Mr. Rocha and the investigative board's report.

Mr. Schomburg insisted that because smaller pieces of foam had broken off and struck shuttles on previous flights without dire consequences, the latest strike would require nothing more than a refurbishment after the Columbia landed. Mr. Rocha maintained that the damage could be severe enough to allow hot gases to burn through the wing on re-entry and threaten the craft.

As their voices rose, Mr. Rocha recalled, Mr. Schomburg thrust out an index finger and said, "Well, if it's that bad, there's not a damn thing we can do about it."

On Jan. 24, eight days into the mission, engineers and managers held a series of meetings in which the debris strike was discussed. At a 7 a.m. meeting, Boeing engineers presented their analysis, which they said showed that the shuttle probably took the hit without experiencing fatal damage.

Those results were hastily carried into the 8 a.m. meeting of the mission management team, led by Ms. Ham. When a NASA engineer presented the results of the Boeing analysis and then began to discuss the lingering areas of uncertainty, Ms. Ham cut him off and the meeting moved along. The wing discussion does not even appear in the official minutes.

Mr. Diggins, the accident board investigator, said it should not be surprising that such a critical issue received short shrift. A mission management meeting, he said, is simply "an official pro forma meeting to get it on the record." The decision to do nothing more, he said, had long been made.

By then, Mr. Rocha said, he decided to go along. "I lost the steam, the power drive to have a fight, because I just wasn't being supported," he said. "And I had faith in the abilities of our team."

He waited through the weekend until the Boeing engineers closed out the last bit of

their analysis, and on Sunday, Jan. 26, he wrote a congratulatory e-mail message to colleagues, saying the full analysis showed no "safety of flight" risk. "This very serious case could not be ruled out and it was a very good thing we carried it through to a finish," he wrote.

But his anxiety quickly spiked again. He slept poorly. Mr. Diggins said, "I think that what was gnawing away at him was that he didn't have enough engineering data to settle the question he had in his mind." With days to go in the mission, Mr. Rocha continued to discuss the possibility of damage with Mr. Campbell, the expert in landing gear.

"He started coming by my desk every day," Mr. Campbell recalled. "He was trying to be proper and go through his management," he said, but "he was too nice about it, because he's a gentleman; he didn't get nasty about the problem."

#### BEING THERE FOR RE-ENTRY

On Feb. 1, the last day of the Columbia's flight, Mr. Rocha rose before dawn. He wanted to be in the mission evaluation room, an engineering monitoring center on the first floor of NASA's Building 30, by 6:45 a.m., well before the shuttle fired its rockets to drop out of orbit. Normally, he would just watch the landing on NASA-TV, the space agency's channel, but he said he wanted to see the data from the wing sensors.

The room was jammed with people and computers. There was a pervasively upbeat mood.

Before long, things began to go wrong—and in the ways that Mr. Rocha had feared. The scrolling numbers giving temperature readings for the left and right wings began to diverge. Then, at 7:54 a.m., four temperature sensors on the left wing's wheel well failed.

In fact, the hole that the foam had punched into the wing 16 days before had been allowing the superheated gases of re-entry to torch through the structure for some several minutes, and observers on the ground had already seen bright flashes and pieces shedding from the damaged craft.

As the number of alarming sensor readings quickly mounted, "I started getting the sick feeling," Mr. Rocha said, pointing to his stomach. He looked up from the fog of fear and saw another engineer, Joyce Seriale-Grush, in tears. He approached her and she said, "We've lost communication with the crew."

Mr. Rocha did the only thing he could think of: He called his wife. "I want you to say some prayers for us right now," he said. "Things aren't good." Finally, they got word that observers on the ground had seen the shuttle break up over Texas.

Emergency plans came out of binders; engineers locked their doors to outsiders and began to store data from the flight for the inevitable investigation. Frank Benz, the Johnson Space Center director of engineering, and his assistant, Laurie Hansen, came in. Mr. Rocha recalled that Ms. Hansen, trying to console him, said, "Oh, Rodney, we lost people, and there's probably nothing we could have done."

For the third time in two weeks, Mr. Rocha raised his voice to a colleague. "I've been hearing that all week," he snapped. "We don't know that."

He was instantly ashamed, he said, and thought, "I'm being rude."

#### TROUBLED SLEEP, LATE THANKS

The next days passed in a blur. Mr. Rocha was assigned to the team to investigate the mission. At the same time, he was working with the team that was looking into the attachment ring problem that nearly scuttled the mission the night before liftoff, while handling his other duties.

At one point he got to ask Ralph Roe, a shuttle manager, why the photo request had

been denied. He got no direct answer, he recalled. Instead, Mr. Roe replied: "I'd do anything now to get a photo. I'd take a million photos."

Mr. Rocha's sleep was still troubled—now, by nightmares, he said, describing some: he was in the shuttle as it broke up; his relatives were on the shuttle; "Columbia has miraculously been reassembled, and we're looking at the wiring and it's got rats in there."

Since the accident, Mr. Rocha said, engineers and other colleagues have thanked him enthusiastically for speaking up, saying things like, "I can't imagine what it was like to be in your shoes." His immediate supervisor has been supportive as well, he said. But from management, he said: "Silence. No talk. No reference to it. Nothing."

Except, that is, from the highest-up higher-up. One day Mr. Rocha read an interview with the NASA administrator, Sean O'Keefe, who wondered aloud why engineers had not raised the alarm through the agency's safety reporting system. This time, Mr. Rocha broke the rules: he wrote an e-mail message directly to Mr. O'Keefe, saying he would be happy to explain what really happened.

Within a day, he heard from Mr. O'Keefe, who then dispatched the NASA general counsel, Paul G. Pastorek, to interview him and report back. In a recent interview, Mr. O'Keefe said Mr. Rocha's experience underscored the need to seek the dissenting viewpoint and ask, "Are we talking ourselves into this answer?"

NASA, following the board's recommendation, has reached agreements with outside agencies to take images during every flight. And 11 of the 15 top shuttle managers have been reassigned, including Ms. Ham, or have retired.

Ms. LANDRIEU. Mr. President, my point is, as we seek the truth in what happened with the tragedy of the crash of the shuttle, we will have to explore the tragedy in detail, and if we continue to press and focus on the details, the truth will emerge. If we continue to focus on the details and take the time, the truth will emerge, and when the truth emerges, if the truth is allowed to emerge, then the appropriate actions can be taken.

NASA, of course, says that safety is their highest priority. There is not a person I know who ever worked for NASA or who works for NASA today or who will work for NASA in the future who does not believe that safety is important.

When we explore the details, as this article does beautifully, we will be able to say: They say that, but what do they really mean? They say safety is important, but when this engineer—I believe his name is Mr. Rocha, and they go through in detail about his pleas that went unheard, his sterling reputation that was pushed aside by others who were basically ready to launch. We will find the truth.

The same is going to be true in this debate with the District of Columbia on this scholarship voucher program because the details of it are very important. The details will show us the truth about what happened.

I wish to begin by saying that my colleague from Ohio is correct in the sense that the Mayor does support this three-pronged approach. He is correct.

But the way we got to this point I wish to share with my colleagues this morning.

The President offered earlier in the year in his State of the Union Address a choice initiative. The President, in his budget, basically said: Despite the fact I am not going to fully fund Leave No Child Behind, I am not going to fund it at the authorized level as promised and implied, instead, I am going to offer—his budget shows—a \$75 million voucher initiative for the country, and it is going to be put—the budget showed and the administration said—in the Health and Human Services appropriations bill. That is how this whole issue began.

The administration said one thing, but I want to focus on what the budget actually showed. The budget that was laid down showed: We are not going to fully fund Leave No Child Behind, but this administration wants to fund a choice program for the Nation and they want to fund that through the Health and Human Services appropriations bill.

The Health and Human Services appropriations bill is chaired by the Senator from Iowa and the Senator from Pennsylvania, Mr. HARKIN and Mr. SPECTER. They together, and their staffs, basically sent word back that we would not have a voucher proposal in their bill. There was bipartisan agreement: We do not want vouchers in this bill. We do not want to support Federal vouchers. And so it was removed from that bill.

It managed to find its way into the DC appropriations bill because this bill, for better or worse, is sometimes the bill that is used to make political points instead of good public policy.

That is what the record will reflect. That is the truth, and I will submit for the RECORD those details as this debate goes forward.

The voucher program finds its way into the DC appropriations bill, of which committee I am the ranking member.

When the proponents of vouchers say this was the Mayor's idea, I have to comment on this for a moment. The Mayor will be able to express publicly, as he has, his position and can respond in any way, but the Mayor said—and I say this as respectfully as I can, and I think he has said this publicly—that he at no time went to the White House to ask for a voucher program. He did not say: I need money for my schools and I am convinced the voucher program will work and I would like vouchers for the District.

What happened was, this money was drifting in the budget, finding its way to DC, being pushed to DC by proponents of vouchers, and the Mayor was given a very difficult choice, which any mayor would be tempted to take, which was: Mr. Mayor, we have some money. Your school system needs help, and we are happy to give you some money, but—but—we need you to agree to a voucher component.

The Mayor, for whom I have the greatest respect for many reasons—one, because he is an out-of-the-box thinker, he is innovative, he is gutsy, he is smart, he is honest—had a very difficult choice. As I have told him, if I were the Mayor, I am not sure I would have made a different choice than he did. But because we are Senators and not mayors, we have a respectfully different perspective.

He said: I will take the money. I will take the \$40 million. I have schools that have leaky roofs. I have schools that have no computers. I have children in my schools who haven't had gym classes in 10 years. I have an obesity problem. I have children who can play music but they have no instruments. I have children who will be great in science except they have no microscopes. And I have children who can learn but I have 40 kids in a class and I need more teachers. If I were the Mayor, I would have taken the money, but I am not the Mayor.

The Mayor was forced to make a pretty difficult decision driven by voucher proponents who will not give up on the vouchers. Even though we passed Leave No Child Behind, there is a determined group of people who will not give up on vouchers. The Mayor, as best as he could—and he has my respect and admiration—at least took a really rotten proposal and crafted a three-pronged approach and said: OK, let's present it: a third for charter schools, a third for public schools, and the transitional schools, the great reforms that are underway, and, all right, I will take a third for vouchers. Then it went forth: This is the Mayor's proposal; this is what the Mayor has asked.

I hope the truth has been spoken, and if any of my colleagues want to debate those points or submit for the RECORD a different view or a different story, please do. But that is how we got to this point.

Every time we get on this subject, the proponents want to say this was the Mayor's idea and the Mayor is a Democrat; he is an African-American Democrat; this was his idea. I want to be clear for the record, this was not the Mayor's idea. This was the President's idea, the administration's idea laid down in a budget, rejected by the Republican chairman and a Democratic ranking member of the Health and Human Services Appropriations Subcommittee, that has made its way to the DC Appropriations Subcommittee, and then was modified to become the issue we are discussing today.

The Mayor, from his perspective, I could argue, made the best choice for his city, but that might not be the choice the Senate needs to make, for obvious reasons.

One of those obvious reasons, to anybody with an open mind, is that we should not, as a Senate or Congress, at this critical time in the funding history of education reform, in any way send any signal to any city that they

cannot get money from Washington, they cannot get new money from Washington, unless they take a voucher program.

They keep saying this is new money. One could argue that, but let's just take it as new money. The only way someone can get money is if they enter into a voucher proposal. It should be obvious to people who are following this debate that that would be an inappropriate signal, and a dangerous signal, to send out as States, cities, counties, and parishes, as in the State of Louisiana, are struggling with making decisions about how can we get more money for these reforms, where should we allocate them. They have flexibility now.

Let me say on that point that voucher proponents do not want to listen to what the truth is. They do not want to listen, but this is the truth: Under the historic bipartisan bill that, if implemented, funded, and followed, can improve schools in America, under title I dollars, under tutorial services that are in that bill, communities today can craft private school vouchers or choice in their local jurisdictions. It is not done because there are very serious and reasonable people on both sides of the debate, but local jurisdictions can do that now. The question is, Should the Federal Government have basically a mandate for vouchers over, for instance, charter schools, transitional public schools, public contract schools, or other kinds of newly innovative reforms? The answer is obviously no.

So when Senator CARPER and I offered the amendment to the other side saying, look, we just cannot support a Federal mandate for vouchers—although we as cosponsors of this important and significant legislation understand where the Mayor is coming from—would you please remove the Federal mandate, we were told no.

There is a reason: Because the voucher proponents want a Federal preference for vouchers. But they will not get it in the long run. They may have the power now to get it in the short run, but they will not get it in the long run because the people of the United States do not want a Federal mandate for vouchers. Particularly, the people of the United States—Republicans and Democrats, Independents, Black, White, Hispanic, and Asian—who support the new reforms in education do not think vouchers are a superior method to charter schools, to public school innovation, to accountability, and that was a great victory that, in my opinion, they are not willing to undo.

Another part I wish to speak about this morning is the evaluation component. The reason Senator CARPER and others have argued with the vouchers—always-only-and-forever crowd, basically, is that if a scholarship program is going to be offered, recognizing that there is a tremendous amount of opposition to it on legitimate constitutional grounds—separation of church

and state—but if one could manage to get through those very important issues, one of the key reasons for moving in this direction would be to demonstrate definitively whether this works.

Why is this important? Because those of us who are trying to find the ways to bring excellence to education through a public system with as much choice as possible, to every child, regardless of the kind of family or resources to which they are born, we believe strongly that this Nation can and should—and if it stays the path—do what no other nation has ever done in the world, and that is a belief that every child can learn if we provide resources for every child to learn, whether they are blind, deaf, in a wheelchair, have some disease, or they were born with incomplete mental capacity. This Nation believes no child should be left behind.

For 200 years, we have struggled through segregation times, through slavery times, through lots of times to reach that goal. We are making progress on that goal. Are there lots of problems? Yes, there are lots of problems, but we are making progress.

Those of us over the decades, way before we were in this Senate, who fought—and some in some instances died—over this principle continue to work today. So those of us who are committed to keeping our eyes on the prize—and the prize is excellence in education for every child and equity and equality, without pulling the children from the top down but by pushing all the children up—keep our eyes on that prize.

People ask me: Why, Senator, do you feel so strongly about this evaluation component? It is because I think there would be some good reason—actually, I would argue to my colleagues who are opposed to vouchers, and I respect them all for their very strong views, that if they were going to do a scholarship program, one value for the Nation would be to have a demonstration project that could show once and for all, to those who think vouchers are the greatest thing since sliced bread and to those who think it is the worst thing since the Devil himself, to come together and have the data and reason together and say it either worked or it did not work.

So when Senator CARPER submitted our amendment and we said, all right, we are reluctant, but if we could do this, this evaluation has to be tight—Milwaukee has had this for 13 years. I will be submitting for the RECORD constant referrals to that written by almost every objective newspaper in the country. There are some that are not, but most newspapers are objective. Most of the newspapers, whether they are conservative or liberal—I am not talking about very partisan papers—state it is inconclusive because there is no evaluation component. So we put one in our proposal that requires full and independent evaluation for the

scholarship program that would include, amongst other things, a comparison of the academic achievements of scholarship students in high-performing schools and nonscholarship students attending high-performing public or charter schools.

Let me repeat that it would require a full and independent evaluation for the scholarship programs that would include, among other things, a comparison of the academic achievement of scholarship recipients in high-performing private schools and nonscholarship students attending high-performing public or charter schools, because that is what we do not know.

Let me explain what we do know. We do know if you take a poor child out of a school that is mismanaged and underresourced and put that child in a private school that is better managed and better resourced, that child will do better. It does not take a genius to know that. Anybody knows that. We don't need a study. We don't need a thing. We know it.

I will tell you what we don't know. What we don't know is, if you take a poor child and put that child in a high-performing or moderately performing private school, and then you take that same poor child and put that child in a high or moderately performing public school or a public charter school or public contract school, does that child do better or worse? That is what we need to know because what we need to know is does the scholarship itself make a difference? Does the scholarship, the act of giving the scholarship to the parent and the choice and the freedom, make a difference when all other things are controlled? Nobody in America or the world knows that.

So Senator CARPER and I said we would like to know that. We would be willing, maybe, to put this debate to rest once and for all if we could commit to a rigorous evaluation by outside experts who are not from the Democratic spin room or the Republican spin room. Then maybe we could be for this. They said no.

Let me go to two more points, briefly. I see my colleague from South Dakota is here and he probably wants to speak on this, or perhaps other subjects, but there are two issues I want to hit before we move to something else.

Last night several of my colleagues came to the floor and argued for vouchers on the basis that we do this for higher education and we have one of the finest higher education systems in the world. And they are right. We are proud of our system of higher education. It has been developed over hundreds of years. People from all over the world want to come to use our higher education system. Even given some of its weaknesses, it is a pretty remarkable institution we have created.

But there is a fundamental difference between higher education and elementary and secondary education that cannot be ignored. It is one of the details that is very important to understand.

Higher education is not mandatory in the United States. If you want to go, you can go. If you don't want to go, you do not have to go. But elementary and secondary education is basically mandatory in the United States. Children have to go to school. There are some exceptions for children in home schooling, which I actually support. Some people don't, but I think home schoolers do a beautiful job over time, as long as they are held accountable, and that is true in some States. But education in this country is mandatory; at least we have to offer it. It has to be universally offered.

In America today, even considering how great our higher education system is, only 20 percent of adults have college degrees. In African-American or Hispanic populations, that may be down to 10 or 15 percent. Maybe the national average is about 20 or 25.

We would like 100 percent of children to have a high school degree. They can drop out, but our goal as a Nation is 100 percent to have a high school degree. So the systems in their essence are different.

I will say maybe the word mandatory is a little strong. It is a goal of the United States to have 100 percent of our population to have a high school degree.

So you cannot compare these systems. While choice, as I said, is desirable, with the freedom like we have in the higher education system, because we do not have a policy that says we want to provide 16 years mandatory through college, then the freedoms that can exist in higher education are very different than what the public could support or afford for elementary and secondary education.

I wanted to get that statement on the record.

I see my colleague from South Dakota who wants to speak as in morning business. I will resume the discussion of Leave No Child Behind and the scholarship tuition debate when he has concluded.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. I ask unanimous consent to speak in morning business.

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

Mr. JOHNSON. I thank my colleague from Louisiana for her extraordinary leadership on education issues. I do not want to take long on another topic.

(The remarks of Mr. JOHNSON are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. Mr. President, back to the budget of the District of Columbia, earlier this morning it was said by our friends on the other side of the aisle that perhaps we should just have a debate today and Monday and move off of this bill, indicating a permanent move off of this bill.

I argue there is certainly a way, if this body desires—and I hope they would continue this very important debate—to figure out a way to spend

some quality time debating this proposal. There are many concerned Members on both sides, I am certain, based on the level of intensity and the discussions at the committee level.

Since I was chair or ranking member of those committees, I was on the front row for those debates. I am confident there are Members on both sides who want some time to talk about this issue and to debate it in full. There is no reason that could not continue for weeks, as we take up other matters and move decisively based on agreements that can be reached.

As the ranking member, I go on record to both Republican and Democratic leadership, it would be my strong suggestion we continue to debate this issue. The details are extremely important for the Nation to grasp so we can move on to education reform.

There was debate earlier regarding the District of Columbia. A lot has been said about the Mayor's position. Yesterday, Mayor Williams was in the Senate. He has been a tireless advocate for school reform in the District. He should be commended.

I will read the Mayor's own words regarding his position. I believe his position has been misconstrued by opponents of vouchers. His words will clarify his position, so I will read into the RECORD this morning the Mayor's comments before the Governmental Affairs Committee in the House of Representatives.

He says:

Along with city council education committee chair Kevin Chavous [who is another very strong and respected leader in the city for education reform] and board of education president Peggy Cooper Cafritz [who also has done an excellent job of leading reforms in the school district in Washington, DC] I support a 3-sector approach that would focus new Federal resources towards increasing the availability of quality education options for district students and families.

He says, I repeat, "I support a 3-sector approach . . ."

It does not say: "I support a voucher-only approach."

He says:

I support a three-sector approach that would focus new Federal resources towards increasing the availability of quality education options for District students and families. This strategy would require a significant and ongoing investment toward the following: One, the development of a Federally funded scholarship program for students to attend nonpublic schools; two—

And this a detail that is extremely important that has been overlooked by some and undercut by others—

a permanent and predictable support for the District of Columbia's public schools—

"permanent and predictable support for the District of Columbia's public schools"—

targeted at leadership and instructional excellence and student achievement; and, three, a fiscally sound and comprehensive approach to the acquisition and renovation of charter school facilities.

This is the Mayor's position.

He goes on:

Why a three-sector approach? The most compelling reasons focus on fairness, the legacy of Federal/District relations, and a strong sense that choice means the most when a number of quality educational options is maximized. Specifically, I mean that while DCPS faces considerable administrative and operational challenges that transcend any particular funding level, our public schools are paying the price of a legacy of disinvestment and crumbling school buildings, many constructed originally by the Federal Government. While bearing the cost associated with both the local school districts and a state system, the city has the tax base of neither. As the recent GAO report documented, the city needs ongoing assistance from the Federal Government in addressing the structural imbalance.

So let me take the Mayor's words, the Mayor's position, to make some points.

First of all, this statement should make it clear that the Mayor himself and Councilman Chavous and education President Peggy Cooper Cafritz have soundly rejected the vouchers-only approach. Yet to this day, on the floor of the Senate, at this hour—we have now been debating this issue on and off over the last several months; not publicly in this Chamber, but this debate has been raging in committees, in conference rooms, and meetings all over America—we have not had a definitive statement from this administration that they, too, reject the vouchers-only approach and that they will protect the three-pronged approach through this process.

Let me repeat, the administration has not, to my knowledge—if they have, please, someone, send me a letter or a telegram or an e-mail that would say: Senator, you are wrong. The administration only supports a three-sector approach, we will commit to that and make that possible by using the power of the White House—which is considerable—to ensure that happens.

In fact, one of the reasons I am particularly puzzled is because yesterday the administration released a statement of policy. For every bill, as we all know, when we are debating bills, which is appropriate, the administration says to Congress: These are the things I like about your bill. These are the things I do not like about the bill. And as the system goes, if we do not get a little bit more in line, usually, with what the administration wants—whether they are Republican or Democratic Presidents—sometimes they will veto what we do. That is process. So it is important to hear from the administration about what they are thinking so we can decide if we are willing to risk a veto. So we like to get these statements. It is helpful to this process.

I hold in my hand the President's statement, and I am going to submit it again for the RECORD:

The administration is pleased the committee bill included \$13 million for the President's school choice initiative fund. This innovative reform will increase the capacity of the District to provide parents, particularly

low-income parents, with more options for obtaining a quality education for their children who are trapped in low-performing schools. The administration appreciates the committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

Now, unless I missed a paragraph—and I don't think I did, because it is only two pages long, and the others go on to other issues—there is nothing here on the three-sector approach. There is no charter school language. There is no public school initiative language.

So in one hand I have the Mayor's comments, which speak of a three-sector approach, and in the other hand I have the administration's comments. That is why Senator CARPER and I laid down an amendment to try to clarify this issue. To date, it has not been clarified.

In all fairness to my colleague from Ohio, he did say last night—and I believe what he said is true—that a clarifying statement is on its way. Perhaps it is here and it just has not reached me. If it is, I will be happy to submit that for the RECORD at any time anyone can produce it for me. But I do not have it, and neither does my staff. So that is an important point to clarify. Maybe that will be clarified as this debate goes on.

The other part of the Mayor's comments that I think sheds a lot of light on the detail of what this argument is about, and I actually agree with the Mayor—not all Democrats do—but I agree with him when he says: “a strong sense that choice means the most when the number of quality educational options is maximized.”

Now, let me put a few things on the record that the proponents of vouchers only want to continue to say that is fundamentally untrue. It is just untrue. What they say is, families in the District of Columbia have no choice. It is my understanding—and I am going to submit it for the RECORD because if I am wrong I would like to be corrected—that recently—I am not sure on what day or year—but in the last few years, under the District's reform initiatives, there is districtwide choice in public schools.

Not every jurisdiction in America has districtwide choice, but it is my understanding—and I think I am correct—that in the District of Columbia—unlike New York City or San Francisco or even New Orleans, which I am more familiar with, or Baton Rouge or Shreveport, which I am more familiar with, those cities being in Louisiana—there is widespread choice. Parents can move from school to school with greater ease. That is a very important component.

Also, it is my understanding that there are more charter schools in the District of Columbia than any other jurisdiction per capita in the Nation, with 14,000 out of the 67,000 children enrolled in public charter schools, and there are waiting lists for charter schools.

But the problem is, there has been limited money in the Federal budget. Basically, there has been limited money for charter schools, so there is a waiting list of children to get into quality charter schools. Because the funding has been short on the Federal level, and perhaps maybe short on the local level, we cannot create more charter schools.

But the answer for the proponents of vouchers is, we are not going to give additional money for charter schools. We are just going to lay down a voucher-only proposal. Clearly, the Mayor said that would not be his position.

And finally, the Mayor says in his statement:

The city needs ongoing assistance from the Federal Government to address the structural imbalance.

So here is really the big picture that is quite troubling. This administration, instead of coming to the District of Columbia initially and saying, “We want to help you fund your reform efforts that are underway. We want to really encourage you in terms of your charter schools. We recognize your structural deficit, and we want to help with your structural deficit,” instead of saying, “We acknowledge that your public schools need some additional resources,” the administration and the House—I should say specifically the House Republican leadership—has not offered anything in the budget toward those ends.

They have offered kind words. They have offered comments. But they haven't offered anything in the budget—which is the only thing you can take to the bank, the only thing you can count on—to the District. They have offered a \$10 million, now \$13 million, voucher only—not just voucher only to go to kids, children in failing schools, they want to have a voucher program for children to go to any school.

Some of us wanted to work with the other side of the aisle and did work with this administration to pass Leave No Child Behind that allowed great flexibility at the local level, that encouraged and pushed for more choice within the constitutional limits, and that suggested front and foremost that quality was not only important for the student and parents but for the taxpayers who are picking up this tab. And it is a big lift for taxpayers all over this Nation, not just to help the District with its funding and the taxpayers here. But taxpayers all over this Nation pay a lot of money in property taxes and in sales taxes and in other fees associated with supporting schools. The taxpayers deserve to know if that money is resulting in a quality product. The mayor acknowledges that.

Unfortunately, the proposal, in its detail—not what is said about it but in its detail—gives no assurance for quality. There is no evaluation component that is rigorous enough. There is a modest evaluation component. But be-

cause it lacks rigor, there is no quality control in the current proposal, which is one of the reasons the mayor's position is actually, when read and understood, quite different from the voucher proposal, at least seemingly from the administration, based on their own statement, and definitely from the House Republican leadership.

I would like to read Chairman DAVIS's comments into the RECORD. He said:

Some are making a mountain out of a molehill over the fact that this legislation authorizes funding for school choice but not enhanced funding for DC public schools or charter schools. The reason for this is simple. This bill deals with authorization for a new and historic program. Authorization for spending on DC public schools and charter schools already exists. The debate will be over how low and how high that spending should be.

That is what Representative DAVIS said. But what the Mayor says is different. What the Mayor says is that this strategy “would require a significant and ongoing investment that is permanent and predictable.” These are two very different positions.

Again, the Mayor of the District of Columbia:

We need a three-sector approach with predictable and permanent support.

This is the House leadership approach: Some people are making a mountain out of a molehill. We don't really have to authorize any new, predictable, permanent funding—I am paraphrasing—for public schools and charter schools because they already exist. This debate will be simply how high or how low that spending should be.

One of the problems Senator CARPER and I have, and it is a significant problem, is in recognizing this disparity. We went to our friends on the other side and said: These are totally different positions. I know what you are saying, but these are different positions. Can you clarify that for us? We would be willing, if you all would admit or agree, to not a \$40 million new authorization but a \$200 million authorization over 5 years. It is not just \$40 million for 1 year. And the only permanent part of that \$40 million is the voucher component. We said: If you want to do a 5-year program, we could even agree if you would say we are going to do \$200 million over 5 years, \$40 million a year for 5 years—a third, a third, and a third—so that we would have for 5 years a predictable source of Federal revenue that, no matter what happened, no matter what the underlying budgets did, no matter how big the deficit got, no matter how tough the war turned out to be, at least this demonstration project would be \$200 million—a third for public schools, a third for charter schools, and a third for this new voucher program. But at the end of 5 years, we would have accomplished one great thing, and that would be a definitive answer as to whether or not scholarships work, because for the greatest school system in

the world today, our future depends on knowing that.

The rhetoric is so high on both sides, with some people saying, you will never fix public schools if you don't have vouchers, and some people saying, if you go to vouchers, you will wreck the system. Those of us who are interested in school reform and quality and the truth would be interested in funding a predictable \$200 million Federal demonstration project in a city such as this, where the Mayor is supportive and several key leaders, but, let me be quick to say, in a city that has voted against vouchers and in a city with equally respectful leaders on the other side.

But our colleagues said no because they are not, to my knowledge or my view, the proponents—again, this is not my colleague from Ohio but the proponents of vouchers only, and there are some—are evidently only interested in this \$10 million voucher program for the District, even in a district where the people are on record in the last referendum as voting 81 percent against vouchers. That remains a point of contention.

Let me move now to a discussion about charter schools for a moment. I will submit some more items for the RECORD.

There has been no disagreement between Senator DEWINE and me, as the chairman and ranking member of this committee. Again, without his support, this would not be possible. The Senator from Illinois, Mr. DURBIN, the Senator from Texas, Mrs. HUTCHISON—of course, they speak for themselves—have been leaders for charter schools as well. Without their support, the District would not be in the enviable place it is today; that is, having more students per capita having options for charter schools. So far, this very worthy and worthwhile experiment seems to be working. Most of the charter schools are doing a very good job.

In 2001, because rigorous evaluation components are in place, 99 percent of the students in the Oyster School—this is a very exciting initiative underway in the District, a bilingual, very cutting edge charter school in the Nation—are performing above basic in math and 100 percent are performing above basic in reading. This is just one example of one of the 41 charter schools that are operating in the District. It is a pre-K through sixth grade school; 362 students are attending. The students-for-teacher ratio is 11.7 students for every teacher, which is excellent. They are in the District of Columbia public schools. You can get other information from their Web page, but they have 17 percent African-American, 1 percent American-Indian, 3 percent Asian, 52 percent Hispanic, and 27 percent White students.

The details of this and the reports look excellent. This is happening all over the United States of America. This Congress has come to a point to say let's push the envelope, let's open

up choice, let's create new charters, but let's do it in the public realm; and when we are spending public dollars, let's have accountability and have reports like this so the parents know, the students know, and the taxpayers know where we are getting the money we are spending.

I could not be more complimentary or excited about the fact that in our budget Senator DEWINE and I have every year tried to do what we could to support this wonderful effort underway by adding some money. It hasn't been a huge amount because our budget is tight and we have limits. But in each of the budgets, we have tried to put in some money for the charter school effort. So we are not just saying we think charter schools are good; Senator DEWINE and I are saying not only do we think the effort is good, but it is worthy of our support. We put our money where our mouth is, and we will continue to do that. If we can get general agreement from others to do that, perhaps we could make some progress.

Another charter school called the Tree of Life Charter School says the results were quite impressive for a second-year school. Most significant is the fact that 88 percent of the school students improved in reading. This represents the largest percentage of students showing positive gain among all charter schools this year. More than half of the students improved in math. Students showed good progress in performance levels, with 75 percent of the students performing at basic or above in math and 72 percent at basic or above in reading.

It should be noted that the majority, 91 percent of the school's population, is low income. The Tree of Life Charter School is another example of what is working in the District and what we as the Congress should continue to fund in a predictable and dependable way.

Again, that is what is missing in this proposal today. There is, in the underlying bill, money for charter schools, money for public schools, and money for vouchers. But there is no agreement, no commitment, and there are no solid statements that have been made or arrangements that have been made—which can be made—to indicate that the funding for charter schools would even happen next year. I realize that appropriations are annual. I understand that. But I also realize when this Federal Government wants to make a point about making sure that funding could be dependable, there are ways that can be done; it has been done in the past and it can be done now.

So I, for one, would be open to a limited, carefully crafted opportunity for children in failing schools to go to private schools, if there are seats available and if there is a proper evaluation. I find it extremely disconcerting that in this proposal there is not a similar commitment to charter schools and, as a result, at this point it is one of the reasons I am unable to support the proposal. There are many other reasons.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. TALENT. Mr. President, it is a real pleasure for me to rise on the subject of opportunity scholarships for kids in the District of Columbia. Before I make my statement, I am going to ask that a couple of items be printed in the RECORD. My good friend and colleague from Louisiana, I understand, has suggested that the administration does not or may not support those aspects of this bill which provide funds for DC public schools directly or for charter schools.

I have a letter signed by the Secretary of Education. I ask unanimous consent that the letter be printed in the RECORD.

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

THE SECRETARY OF EDUCATION,  
Washington, DC, September 26, 2003.

Hon. MIKE DEWINE,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DEWINE: I am writing today to express my strong support for the District of Columbia education improvement initiative that is contained in the DC appropriations bill now pending before the Senate.

Debate in the Senate this week has highlighted the fact that excellence in education is critical to the future of the District's school children and to the economic and social vitality of DC as a whole. Yet the DC public school system has not yet taken the steps needed to reform its operations and raise student achievement to the level required. That is why we need a package of reforms that both improves DC public schools and gives parents and students additional educational options, including the option to attend charter schools and private schools. The appropriations bill now before the Senate would do just that.

The bill includes a three-pronged initiative to: (1) improve DC public schools that serve predominantly children from low-income families; (2) create new charter schools and ensure that DC charter schools have adequate facilities; and (3) provide scholarships to a limited number of DC children so that they can attend private schools in the District. Each of these three elements of the initiative is critical and each must be retained in the final bill.

The debate in the Senate has clarified many facts about the scholarship component of the program, which I know is the most controversial. It has shown that Mayor Williams and other leaders of the District are fully supportive of the entire initiative, including the scholarship program; it is what they want and need. It has shown that the scholarship program would be carefully evaluated, so that we know if a program like this can be successful in raising student achievement. And Senators have reiterated forcefully that the entire, three-pronged initiative represents new money for the District. It is simply untrue to state that any of it

would take money from DC public schools, and it would be tragic if any of this assistance were denied to DC residents at this point.

I hope this letter conveys the commitment that the Administration feels, and that I personally feel, toward this very important initiative. If my staff or I can be of any assistance to you in enacting this program, please let me know immediately.

Sincerely,

ROD PAIGE.

Mr. TALENT. In relevant part, it refers to the three funding initiatives in the bill, and then says each of these three elements of the initiative is critical and each must be retained in the final bill. That is on behalf of the administration. I think that makes clear the administration is strongly supportive of all three aspects of this measure and feels they are a package, and I think that is true. That is how all of us who support this measure feel.

I know suggestions have been made with regard to Mayor Williams' support of this measure, that it was somehow foisted upon him by somebody or some group.

I refer the Senate to an op-ed piece in the Washington Post, and I also ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, Sept. 3, 2003]

WASHINGTON'S CHILDREN DESERVE MORE CHOICES

(By Anthony A. Williams, Kevin P. Chavous and Peggy Cooper Cafritz)

For those of us involved every day in urban education, there are some staggering realities that keep us awake at night. Every child who graduates without basic skills—or who drops out altogether—is on a potential pathway to public assistance, to being alienated from the full benefits of participation in society or, worse, to a life in the criminal justice system. The D.C. appropriations bill before Congress would provide \$40 million in new funding for K-12 education in the District to be divided among public schools, public charter schools and scholarships for private and parochial schools. We think that this is an appropriate investment by the federal government in the children of the nation's capital. Without the resources ordinarily provided by a state, the District is more challenged than other cities in its efforts to adequately fund public education and foster innovative reform.

Our children have endured decades of neglect in public education. But there is hope. We have a reconfigured school board and a respected superintendent who have begun needed reforms. Fifteen "transformation schools" have been reconstituted from top to bottom—new principles, new staff and extra resources. In addition, we have the country's most robust charter school movement with 40 schools educating 16 percent of our children.

But despite these underpinnings, parents still want more choices. At town hall meetings, community picnics, hearings and PTA meetings, we hear the same complaints: "I can't find the right setting for my child" or "My child is not flourishing in this environment."

Despite steady reform, change cannot occur rapidly enough to provide relief to all public schools. As elected leaders, we cannot

tell parents who yearn for an opportunity for their children to delay the same fulfillment we can provide our own children. This is especially so when we have extra assets in our midst: openings in non-public schools. Obviously, the issue of whether federal funds should be allocated to private schools is enormously difficult, but it is an issue that has been settled by the Supreme Court.

We are not advocating a national voucher policy. We, as local leaders, are simply imploring Congress to embrace our efforts to help our long-neglected student population with every available tool. We believe the current proposal adequately addresses legitimate concerns about constitutionality, separation of church and state, accountability, selection of students and other issues. We have worked closely with the Bush administration and with congressional leaders in developing our proposal. Students receiving scholarships will be randomly selected and must fall within certain family income parameters. Participating schools will be monitored by local authorities and the U.S. Department of Education. And our public schools will not be penalized financially for the loss of students to private or parochial schools. The notion that this "school improvement initiative" is being imposed on us from on high belies the reality that this three-sector approach was conceived by us—D.C. officials duly elected by local citizens.

No one should argue that private-school scholarships are a panacea. Most students in the District will remain in our public schools, and nothing will deter us from our commitment to improve those schools. But we trust that, given additional options, D.C. parents will exercise sound judgment in selecting the right setting for their children. We are confident that the proposed legislation will allow us to evaluate the effect of school choice on youngsters whose parents opt for it.

Funding for the initiative is correctly placed in the D.C. appropriations bill and is not in competition with other federal education priorities. This is a welcome partnership between the District and Congress. The discussion should not be burdened with agendas and ideologies unrelated to the best interest of the school children in our city.

Mr. TALENT. It is written by the Mayor, along with Councilman Chavous and the President of the District of Columbia Board of Education, in which they go into their reasons for supporting this measure. It is a rather passionate explanation of why they believe this measure is so important; in fact, not just important but absolutely necessary to thousands of kids in the District of Columbia who otherwise would have little hope of getting a good education.

That is the feeling I have noticed in all of us who have encountered this issue over time. I encountered the issue of opportunity scholarships for kids when I first started working on community renewal, which is what our little group used to call urban renewal, and as some people call it. I got involved in that in the mid-1990s. As part of that involvement, I toured a lot of places in Missouri and in the country where people were revitalizing their neighborhoods. They were doing it by adopting the kind of measures that brought small business investment in their neighborhoods, working with the police and community policing, working with local organizations on sub-

stance abuse programs and on home ownership. It was all tremendously inspiring.

I ended up filing the Community Renewal Act first in 1995 on the House side with then-Congressman J.C. Watts and Congressman Floyd Flake. Subsequently, a Senate bill was filed by then-Senator Abraham and my good friend from Connecticut, Mr. LIEBERMAN. We were all involved in this and believed in it passionately.

I remember I was in Indianapolis talking to some residents about their community renewal efforts. They brought up the whole subject of opportunity scholarships, or school choice, or whatever one wants to call it. This was a depressed urban area like many parts of the District of Columbia, and they said we have to have good local schools because it does not do any good for us to get jobs and safety on the streets and the other things that are vital to community renewal if we do not have good local schools because, what happens is people get jobs and then they leave. They do not stay because they have to have a good education for their kids.

I got involved with this issue at the time, and in the bill we filed we had a little piece of it that was simply directed to opportunity scholarships for the urban poor for kids going to failing schools. I remember we introduced it at a press conference, and the press asked: Is this just something you are doing to try to help the Catholic Schools? That was one of the charges: They said this is something the Catholic Church is doing to help its schools.

Spence Abraham thought about it, and he started to answer it. Then he looked at the five of us standing there and he said: Wait a minute. JIM, what denomination are you?

I said: I am a Presbyterian.

He said: J.C., you are a Baptist youth pastor, are you not?

J.C. Watts said: Yes.

Then he asked former Congressman Floyd Flake: You are a pastor in the AME Church?

Floyd said: Yes.

Then he turned to Senator LIEBERMAN: JOE, of course, you are an Orthodox Jew.

JOE said: Yes.

And he said: I am Greek Orthodox.

We are doing this as part of a conspiracy by the Catholic Church to get money into those schools? Those Catholics play a pretty deep game.

For the next few years, we debated that measure and eventually passed the Community Renewal Act without the opportunity scholarship part of it.

The point I am trying to make is, I have been back and forth for years now with all of the arguments, pro and con, on this. I have heard them all. I have participated in them all, in the House, and then in a race for Governor in Missouri in the year 2000, then in the race for the Senate in the year 2002. It is not that those arguments are not important, because they are. They have usually been argued with great eloquence.

They have been on the floor this morning. They were yesterday, and I was listening to some of them on both sides and appreciating the eloquence and vigor with which they argued.

But I am at the point where I have to ask myself, what difference do those arguments really make in the face of the brute reality that every day thousands of kids in the District of Columbia get up and go to school where their parents and they know they are not safe, they will not learn, and it is not going to change? That is the position real people are in every day. They do not have any other options. That is the reality.

I think of this more and more from the standpoint of the parents, because I have talked to a lot of them over the years. I have three kids. They are 13 and 11 and 7. You will not be surprised to find out that my wife and I spend a lot of time talking about the education of these kids, trying to make the same decisions parents all over the country have to make about education: Which first grade teacher would be better for the 7-year-old? We spend a lot of time talking about that one. What kind of electives should the 7th grader take, now that he can finally take electives? Should he be in the public presentation class or Spanish or what? We talk about this, and these decisions are very important to our kids. These kinds of decisions for our kids might make a difference in terms of how far they go in life. It might make a difference in terms of how successful they are in life, so we spend an awful lot of time on it.

But I am going to tell you these parents I talk to about this issue, they are not making those kinds of decisions. Those are not the kinds of things they are debating. When I talk to them, there is a sense of urgency and sometimes a sense of panic in their eyes because they know a lot more is at stake than which teacher their kid is going to get in first grade. They know what is at stake for their kids may be not how successful they are in life or how far they go in life but whether they have a real shot at it at all. This is the difference between a good education and not a good education when you are trying to raise kids on your own in these neighborhoods and you don't have any help from anybody else anyway. That is why they feel this sense of panic, because they are looking at their kids and they know, if something is not done quickly—and it is not going to be done in the traditional system—if something is not done quickly for their kids, they are looking at kids who, if they are trapped in that school for their whole educational career, are a whole lot more likely to end up by the time they are 25 years old in a gang or on drugs or in jail or wounded or maybe dead. That is what these parents are thinking. That is why this bill is important to them.

We ought to give them a chance. That is for all they are asking. They

have been looking for this kind of relief for years. The House has voted it for years. The Senate has voted on it. The idea that this is something new this President has presented is just not correct. There are a bunch of us who have been involved in it one way or another for a whole lot of years. Now we actually have a chance to pass it. Now we have a chance to give these parents and their kids some options, and we just ought to do it.

The upside for these families is tremendous. The downside is just not that great. If it doesn't offer them a better education, they will not take advantage of these scholarships and the money will revert—I guess to the District of Columbia. Or does it revert to the Treasury? To the District of Columbia.

OK, the arguments against it. I guess the argument—I had not heard this but I suppose it could happen—the District of Columbia voted against vouchers 20 years ago. It was 20 years ago.

The argument I hear a lot, that opportunity scholarships or school choice will hurt the public schools.

This is kind of ironic and I have discussed this with parents. Of course, everybody else in the country, except these, usually, single moms in these neighborhoods, has school choice. Talk to somebody in the realtor business if you do not believe that. When people buy a house someplace what do they ask about? They ask about the schools, don't they? Because, for the average person in this country, if your school is a school where you think your kid is missing out, it is not a marginal question. If that school is really failing your kid, for whatever reason, you are going to do one of three things. You are going to move, you are going to put your kid in a private school or a different school of some kind, or—and this is an increasing number of people—you are home schooling your kids. You are going to do something.

But these moms can't do that because they don't have the money to move, they don't have the money to put their kids in a private school, and they are working, so they don't have the time to stay home and home school. So they are stuck.

Everybody else in the country has this kind of opportunity and that has not hurt the public schools. This is a country that believes in, and is enriched by, diversity, by people having different opportunities and different choices. Everybody has it except them. They think that argument is quite ironic.

The argument against this, that it will cost the public schools money—Mr. President, do words have meaning? It gives the public schools more money, \$13 million more than they would otherwise get. If the scholarships don't work, they will get more. The \$13 million will revert to the Treasury and we can give that to them as well.

I have already gone over the argument that it was foisted on the Mayor.

It wasn't. Boy, if it is, he is doing a pretty good job dealing with something that was foisted on him. I saw him down here in the Senate the other day.

I don't like to burden the Senate too much with my speeches. It is only when I have dealt with something for a while where I feel strongly about something. I do about this issue. I appreciate the opportunity to talk and I appreciate the passion and the sincerity of those who oppose this.

I would like to reach out and say to folks, let's try this year. I think it is going to work. These parents think it is going to work. We had 10,000 people line up in 1997 for 1,000 part-time scholarships. Let's give these kids a chance. I think we will be glad we did, if we will vote this in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

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

#### MEASURE PLACED ON THE CALENDAR—S. 1657

Mr. STEVENS. Mr. President, I understand S. 1657 is at the desk and is due for a second reading.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I ask we proceed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1657) to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism.

Mr. STEVENS. Mr. President, on behalf of the leader, I object to further proceeding on this measure so it can go to the calendar.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

#### SCHEDULED MARKUP OF THE EMERGENCY SUPPLEMENTAL

Mr. STEVENS. Mr. President, I am here this morning to announce that we will have a markup of the supplemental request presented by the President, the emergency supplemental request for Iraq, on Tuesday morning at 10 a.m. I wish to state some of the reasons that I have scheduled this hearing.

Secretary Rumsfeld appeared before our committee and made several statements. I want to repeat a few quotes from his statement to our committee. He said:

Standing between our people and the gathering dangers is the courage of our men and women in uniform.