

imposition of the death penalty under this act.

It is time we wrap the arms of justice around unborn children and protect them against criminal assailants. Everyone agrees that violent assailants of unborn babies are, in fact, criminals. When acts of violence against unborn victims fall within Federal jurisdiction, we must have a penalty. We have an obligation to our unborn children who cannot speak for themselves. The Senate must act.

I strongly urge my colleagues to join in support of this legislation. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

#### EXTENSION OF MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that the period for morning business be extended to 2 p.m., with the time equally divided, and that Senators be permitted to speak for up to 10 minutes each.

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

Mr. GREGG. Mr. President, I further ask unanimous consent that Senator NELSON of Florida be recognized at the conclusion of my remarks.

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

#### EDUCATION FUNDING

Mr. GREGG. Mr. President, I wish to address again an issue I addressed yesterday on the floor relative to the funding and the activity under the No Child Left Behind legislation which is landmark legislation we passed a year ago which the President of the United States signed and which was a bipartisan effort.

After I spoke yesterday, a couple of Senators came down to the Chamber and addressed the issue but, once again, misrepresented the facts. I think it is important, therefore, to restate what the facts are and go through some of the history and also review in more depth a letter which was sent by Senator KENNEDY and Senator MILLER to the Department of Education, which letter, in my opinion, is off base and inaccurate.

To begin with, the No Child Left Behind bill is landmark legislation, the purpose of which is to give parents of low-income children and low-income children an opportunity to participate in the American dream by assuring they get a decent education and have a chance to learn what they need to learn to be competitive with their peers, especially as they proceed through the early years of education.

It is a bill that ties four different elements to it.

No. 1, the purpose is to obviously give low-income children a better educational opportunity through a process of giving the local school districts

flexibility over how they deal with the rules under title I, which is the low-income child education part of the Federal law.

No. 2, there is an initiative in this bill to make sure that low-income children are reaching the standards of their peers through putting in place a testing regime which basically sets up accountability and to establish that children of all ethnic groups in the same classroom are learning at a level which is necessary for them to move on so that the children are not being warehoused, are not simply being passed through the system—as we discovered, unfortunately, was happening for years and, at the end of their educational experience in public schools, they really did not know enough to compete in America and to have a successful life.

No. 3, if a child was found to be in a school that simply was not working, was not educating that child, there are certain rules put into the bill which empower the parent to take some action so they can get their child the educational assistance they need, such as public school choice, such as getting tutorial support outside the school. And if the school continued not to work, then the public school system was given a lot of funds and resources to correct that problem.

No. 4, there was a significant amount of Federal dollars—a dramatic increase in Federal funding—that was put into local schools for the purpose of addressing this bill. That is what I want to talk about today because, once again, that was misrepresented on this floor.

The amount of funding which President Bush has put into the new bill represents the most historic increase in the educational funding in the history of Federal funding. It has been a 132-percent increase in funding. We have seen a 132-percent increase in funding in education over the last 6 years, and that compares to a 48-percent increase in Defense, or a 96-percent increase in Health and Human Services. It is a dramatic increase in educational funding.

One might say that ties to the Clinton years, too. Yes, it does, but if we look at what President Bush has done in his first year in office, he increased funding in education by approximately \$20 billion over the last year of the Clinton administration. That is a dramatic increase, a 50-percent increase almost in funding over the last year of the Clinton administration.

The request of the President for new funding in areas of, for example, special education, was historic compared to President Clinton who essentially requested no increases in special education until his last year, this being a chart showing President Clinton's request. The red represents the \$1 billion increase in special education funding that President Bush requested and received in his first year, and the \$1 billion increase in special education fund-

ing which President Bush requested on top of that \$1 billion in the coming year.

If one looks at the history of the commitment of this President to educational funding, it dwarfs—dwarfs—the commitment made by the Clinton administration. For example, if one looks at the 7 years of increases in educational funding under the Clinton administration, they are almost 25-percent less than the increases which President Bush has put into educational funding in just 2 years. He has not only made this type of a commitment in 2 years, but he has already stated that he intends to increase title I funding by another \$1 billion this year. He has asked for that, and I expect we are going to see the same type of dramatic increase in special education funding and across the board.

This letter was sent by Senator KENNEDY and Senator MILLER to Secretary Paige, and it outlined their concerns with the No Child Left Behind legislation. I think it is important to respond to this because this letter was truly an inaccurate letter. It began—and I heard Senator HARKIN yesterday parroting this position—by saying that the President has cut No Child Left Behind spending. That is absolutely inaccurate. Not only has he not cut it, he has increased that specific account, title I, by over \$4 billion since he has been President.

How do they define it as a cut? There is one program—one program—that they did not fund. It was a \$90 million program called the Fund for Improvement of Education. Because they did not fund that one program, that is a cut in the minds of Senator HARKIN and Senator KENNEDY. That is a very interesting way to account. If you increase spending in one year by \$1 billion, but as part of that \$1-billion increase you eliminate a program worth \$90 million, you have cut spending, according to Senator KENNEDY and Senator HARKIN. That is a truly unique way to look at the way math is done. I think maybe they should go back and do math in the third grade and see if they pass the test which we are going to try to make sure kids have to pass to be competent in the third grade.

Clearly, if the funds have been increased by \$1 billion, you have not cut the program. If you have eliminated an earmarked program—which is not working to begin with and which has virtually no purpose other than to fund special interest activity—which is worth \$90 million, but at the same time you have increased funding over \$1 billion in that account, you have not cut the program; you have improved the program and you have made sure that billion dollars is going to be spent much more effectively. What do we do with the \$90 million they eliminated? We sent it back to the towns, the cities, and let the teachers and principals and the school boards decide how to spend that money rather than have it be a categorical program. That representation in the letter was specious.

The letter goes on to say the bill is filled with an unfunded mandate to build schools and hire highly qualified teachers to comply with the bill's public school choice capacity requirements. But that is not the case. It should be noted that in 1995 Congress prohibited unfunded mandates. With regard to school construction, the Department of Education has never required districts to build new schools. Of course, it has not required that in order to accommodate the No Child Left Behind law.

Furthermore, the Department is still waiting for the States to draw down \$900 million in school construction renovation money that was passed in the year 2001. So the money is still sitting there and has not even been spent.

With regard to the new teacher requirement, which simply says the teachers have to be highly qualified teachers, that is not a mandate. In fact, what this bill does is dramatically increase and has dramatically increased the funding for teacher training and for teacher pay and for teacher support. A \$742 million increase in one year. Three billion dollars is now going out to the States to assist them with teacher training, teacher qualification, and teacher support.

What we did in this bill which is unique and special and is going to help the local school, instead of having a whole set of categorical programs, one of which says you must have this number of teachers in your schoolroom depending on this number of kids, instead of telling schools that is how they have to educate their children, we said we are going to take all this money, this \$3 billion—we have increased it now by \$742 million—and we will put it together in a pool and we will say to you, the principal, you tell us how you can use this to improve your teachers. If you need more teachers in the classroom, if you need to hire more teachers, you can use the money for that. If you have really good teachers you want to keep in your classroom, you can pay them more. If you have teachers who need technical support, computers, whatever, in their classroom to help them, you can use it that way. If you have teachers who need a little extra help, a little extra education, or want that to improve themselves, you can use it that way. We gave the flexibility to local school districts to make the decisions as to how they were going to use this money to improve their teachers so all the teachers would be of high quality.

But that does not satisfy the Senator from Iowa or the Senator from Massachusetts. They want that categorical program which says with this money you have to hire this number of teachers if you have this number of students. That was rejected in No Child Left Behind. You cannot come around the corner now and say you have to do it now because that is not the law anymore. Therefore, you cannot claim there is an unfunded mandate.

Let's remember, this President has increased funding for teachers by 35 percent over what the Clinton administration funded.

The letter also says the final regulations established an incentive for schools to focus on test scores while ignoring high school dropout rates, thereby jeopardizing the law's accountability provisions. Nothing could be further from the truth. The regulations are actually stronger than the statute. The statute was unclear on graduation rates and the regulations state even if all children are doing well in school, if the dropout rates are high, the school is still identified as being in need of improvement, a tougher standard than what we passed in the Congress.

The letter also criticizes the Department for not allowing teachers who are alternatively certified or working on becoming alternatively certified to be counted as highly qualified. This is a perfect example of how my colleagues on the other side of the aisle do the teachers union bidding by trying to prevent individuals who do not go through the traditional teacher certification process, which is dominated by, unfortunately, union rules which sometimes have no relevance to capacity to teach. It restricts those people from being hired. They do not want competition. They do not want teachers coming in from the Teach for America Program or other programs and encourage professionals from other fields to move into the teaching arena. This bill, No Child Left Behind, encourages drawing into our school systems people who are qualified but are not necessarily professional teachers—going to the military services, for example, to get people out of the Army and the Armed Forces into teaching. And as I said, Teach for America. That language was a strong addition to the bill, not a weakening of the bill.

The letter also states that the No Child Left Behind prohibited norm-reference tests which measures students' achievements against that of their peers. This is patently false. Patently false. The House bill originally had that language; this language was dropped. It is another example, as is the example that I pointed out prior, of using the old law of the way things used to be to attack the new law, the way things are and the way things are improving.

The letter also claims the Department allowed States to use a patchwork of local tests to meet the new annual testing requirements, making it possible to measure whether achievement gaps are closed. The Department has made it crystal clear if you use local tests they have to be comparable tests. That is the way it should be. There is no reason to deny school districts from using local tests. If they put together a plan which makes it clear that those local tests are comparable, of course we should let them use local tests. That is called flexibility. As long as there is a way to

compare them and the Department has said that is a commitment, that is something a State has to do in deciding their plan.

And let's remember here, one of the States that has met the test of putting forward an accountability system that will work happens to be Massachusetts. Massachusetts has proved you can do it. As has New York. As has Indiana. As has Ohio. Big States. States with lots of kids in their system. Their plans have been approved, ahead of schedule, that they can meet the tests of this bill.

And what is the purpose of this bill? Remember, the purpose of the bill is to make sure kids learn. These people who put these plans together are excited about the fact they now have a law they can follow which allows them to make sure that kids do learn. All the teachers in this country, all teachers, that is their purpose. They are altruistic people because they want to help kids learn. Now we put in place a system to help them find out whether the kids are meeting those standards and whether they are learning. These States which have already come up and put forward plans and initiatives which work under the bill are reflecting the energy out there to do good under this bill, and yet we get a letter like this which is basically trying to undermine the bill.

Last point. This letter engaged in a bit of what I call revisionist history when it claims No Child Left Behind allows Federal educational programs to directly fund religious organizations and to permit organizations to discriminate based on religion. After many hours of negotiation—I was there; Senator KENNEDY was there; Senator MILLER was there—and I am very surprised to see this language in this letter. We reached a bipartisan agreement to be silent. That is to allow current law to operate on the issue of the Civil Rights Act. Title VII of the Civil Rights Act prohibits discrimination based on race, sex, religion, national origin and employment, except with regard to employment by religious institutions. We did not nor did we intend to reverse this precedent. To claim otherwise is simply to ridicule the process we went through for months and misrepresents the outcome of the process which we resolved over those months.

What my colleagues are asking for in this letter is to have the Department of Education pile more and more regulations onto the States and the local communities as they try to come into compliance and make the No Child Left Behind bill work. That is just the opposite of our goal. Our goal was to free up the local communities in the States to give them the opportunity to use their energy, their creativity, and their individuality to address this very serious problem we have in America, which is that so many kids, especially low-income kids, are not being educated well enough to participate in American society.

We don't want to go back to the old way where there were strings running from every desk in this Chamber out to every school district. We were saying: You must do this or we are going to pull that string and jerk you around. We want to go to the new way, which says: We are going to give you flexibility; we are going to give you money; we are going to empower parents to know what is going on. But at the end of the day we are going to expect accountability; we are going to expect results; we are going to expect these kids actually are learning.

We are going to test them. The tests will be designed by local folks, but we are going to expect them to learn to the standards the local folks design. It is a reasonable bill. It is going to help a lot of kids in America. And it is unfortunate there appears to be this orchestrated effort to undermine it.

It is extremely unfortunate that we hear, again and again, misrepresentations on the floor of this Senate about how much money is committed to it and about the commitment of this President to funding education.

I yield the floor.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized without objection.

#### NORTH KOREA

Mr. NELSON of Florida. Mr. President, we have heard some weighty subjects discussed here today. The Senator from New Hampshire was discussing the issue of education. Prior to that, Senators from Utah and New Jersey were talking about tax policy, trying to get our sickly economy revved up and moving again. If those were not enough of weighty subjects to talk about, I want to bring up one of grave concern to the foreign policy of this United States, indeed to the very defense of these United States: That is the subject of North Korea.

I rise today to speak on this subject as a member of the Senate Foreign Relations Committee. This question of development of nuclear weapons by North Korea is something we should address. That is the occasion to which I rise today.

Over half a century we have seen North Korea struggle along in its totalitarian, repressive regime. If there is any question about that, look at the fruits of that repressive labor—the starvation there among the people while the leaders, indeed, lead very comfortable and cushy lives. Nobody questions the starvation among the people in North Korea. The free world has been trying to do something about it.

To those in this Chamber who have had the privilege, as I have, of going to the DMZ, to the line, to see the stark differences on either side of the line, it is very apparent. One, is a side that is lush in vegetation, highly developed.

Then, just looking across the line, you see quite a contrast with the sparse vegetation on the north side of the line.

But I saw North Korea also from a different perspective, from the window of a spacecraft on the night side of the Earth. There is quite a contrast for the lights reflecting from Earth back up into space—there is a distinct difference between North and South Korea from space at night. The South Korean peninsula is lit up, vibrant in its economic activity, whereas north of the line there are very few lights discernible from the view of the window of the spacecraft.

In North Korea, we have had a regime that has isolated its own country. Now this situation is urgent, vis-a-vis the foreign policy of the United States. It requires sustained attention from our administration even as we deal with a separate and growing crisis in Iraq. Unfortunately, the Bush administration is approaching the events on the Korean peninsula in an inconsistent and incoherent way, in the opinion of this Senator, even as it continues to build up our forces in the Persian Gulf region.

This is dangerous. We cannot, in my opinion, and we must not, allow the North Koreans to develop an effective nuclear weapons arsenal. Yet it is a very difficult situation. Go back to 1994. The Clinton administration faced a similar crisis in 1994, which it averted by striking an agreement with North Korea. This Agreed Framework provided the United States would provide North Korea with economic assistance and more open diplomatic communication in exchange for a cessation of operations and infrastructure development of reactors and facilities used to build its nuclear weapons program. This agreement, while flawed, allowed the United Nations to come in and monitor the disposal of the plutonium rods to ensure they would not be used to develop weapons. Indeed, it helped prevent North Korea from having dozens of nuclear weapons by now.

One year ago, President Bush, in his State of the Union speech, referred to North Korea as a member of the axis of evil for its repressive and brutal actions against their own population. In that respect the President was correct.

But we see now what the consequences of that speech are. Instead of speaking softly and carrying a big stick, President Bush decided to speak harshly without a coherent policy to back it up. Though this pronouncement did not cause the North Koreans to begin their bad behavior and cheat on their agreements—it certainly didn't cause them to start that bad behavior or cheat on their agreements with the United States and the international community which, by the way, the North Koreans have now admitted—it did embolden them to harden their position, to renounce the 1994 agreement and to begin in earnest to openly pursue more nuclear weapons.

This is now the situation in which the Bush administration, by its own words, has painted our Nation into a very difficult corner.

U.S. policy regarding North Korea has been inconsistent. The President has demanded North Korea give up its nuclear weapons programs, which is a good starting point. He said he wants to solve this peacefully, through diplomatic means, but until this week—indeed, until day before yesterday—the President refused even to speak directly to the North Koreans. The administration has said it wanted to isolate North Korea, possibly with sanctions.

Look around the world. That option is opposed vehemently by the governments, friendly to us, of South Korea and Japan. Even China has stated its position, that it supports a non-nuclear Korean peninsula. Yet the administration has scarcely engaged the Chinese in a meaningful way. We ought to be encouraging them to join us to stop the development of North Korean nuclear weapons.

Russia also needs to be included in these discussions. The lack of a clear strategy increases the risk of a volatile and destabilized atmosphere in the face of a North Korean nuclear threat. This danger is underscored by today's news that North Korea has announced its immediate withdrawal from the Nuclear Non-proliferation Treaty. U.S. leadership is needed for the world's declared nuclear powers to work together, perhaps through the United Nations, in a common response to this immediate danger.

If we fail to do so, the nightmare scenario of North Korea selling its nuclear weapons to terrorist groups and other rogue states and other provocations could become a reality.

I welcome the President's belated decision to engage the North Koreans directly. I hope it has not come too late. I also hope that these talks will be conducted at the highest possible levels. We must make North Korea understand that the building of an arsenal of nuclear weapons will not be tolerated, and that all options to combat this threat are on the table.

At the same time, we must work to form a viable, regional solution with South Korea, Japan, China, and Russia. No policy that we pursue can possibly work unless it is carried out in consultation with these key countries. We must devise workable policy options that the United States and North Korea may consider to de-escalate the situation immediately. These talks must be substantive and be conducted in good faith, which has been a consistent problem over the years with North Korea—but now the world is watching—immediately, now.

Finally, I hope that the Senate Foreign Relations Committee will hold hearings on North Korea as soon as possible. Hearings should explore the administration's detailed plans and policy prescriptions for this crisis and