

S. 425

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 425, a bill to revise the boundary of the Wind Cave National Park in the State of South Dakota.

S. 464

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 464, a bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes.

S. 465

At the request of Mrs. MURRAY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 465, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 470

At the request of Mr. SARBANES, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. CON. RES. 11

At the request of Mr. CRAIG, his name was added as a cosponsor of S. Con. Res. 11, A concurrent resolution expressing the sense of Congress regarding the Republic of Korea's continuing unlawful bailouts of Hynix Semiconductor Inc., and calling on the Republic of Korea, the Secretary of Commerce, the United States Trade Representative, and the President to take actions to end the bailouts.

S. RES. 48

At the request of Mr. AKAKA, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 48, A resolution designating April 2003 as "Financial Literacy for Youth Month".

S. RES. 52

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 52, A resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. GRAHAM of South Carolina, Mr. EDWARDS, Mr. MILLER, Mr. LIEBERMAN, and Ms. LANDRIEU):

S. 498. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. DeLaine in recognition of his contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation to present Rev. Joseph A. De Laine the Congressional Gold Medal of Honor for his heroic sacrifices to desegregate our public schools. His crusade to break down barriers in education forever scarred his own life, but led to the landmark *Brown v. Board of Education* case in 1954.

Eight years before Rosa Parks refused to move to the back of the bus, Reverend De Laine, a minister and principal, organized African-American parents to petition the Summerton, SC, school board for a bus and gasoline so their children would not have to walk 10 miles to attend a segregated school. A year later, in *Briggs v. Elliot*, the parents sued to end segregation. It was a case that as a young lawyer I watched Thurgood Marshall argue before the Supreme Court as one of the five cases collectively known as *Brown v. Board of Education*. For this Senator, their arguments helped to shape my view on racial matters.

For his efforts, Reverend De Laine was subjected to a reign of domestic terrorism. He lost his job. He watched his church and home burn. He was charged with assault and battery with intent to kill after shots were fired at his home and he fired back to mark the car. He had to leave South Carolina forever; relocate to New York, where he started an AME Church, and he eventually retired in North Carolina. Not until the year 2000, 26 years after his death and 45 years after the incident in his home was Reverend De Laine cleared of all charges.

Last year, I spoke to the 100 descendants of *Briggs v. Elliott*, and I ask unanimous consent that my remarks be printed in the RECORD, which show the bravery of Reverend De Laine during a troubled time in our Nation's past, and which point to the immeasurable benefits he has given our Nation.

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

BRIGGS V. ELLIOTT DESCENDANTS RE-UNION BANQUET, SUMMERTON, SOUTH CAROLINA, MAY 11, 2002

I want to give you an insight into exactly what happened to your parents 50 years ago in Summerton, SC, that led to the desegregation of our Nation's schools by the Supreme Court of the United States.

I speak with some trepidation, because right now I can see Harry Briggs' son walking down that dirt road all the way here to Scotts Branch School, and that school bus passing, all for the white children. Yet all your families were asking for was a bus. But they were told: "you don't pay any taxes, so how can you ask for a bus?" What they didn't say is you didn't have a job, whereby you could make a living and be able to pay the taxes. They didn't say that.

I think of the threats, the burnings, the shooting up of Reverend John De Laine's home. I think about how they turned him into a fugitive. He had to leave his home in South Carolina, never to return. Harry Briggs had to leave his home and go to Florida to earn a living. It's not for me to tell the descendants of the *Briggs v. Elliott* case how they have suffered.

I didn't try this case, don't misunderstand me. My beginnings with *Briggs v. Elliott* started in 1948 when I was elected to the House of Representatives in Columbia.

The previous year James Hinton, the head of the NAACP in the State gave a speech in Columbia. He talked about the need to get separate but equal facilities. He got Rev. De Laine from Summerton in the audience all fired up. Rev. De Laine, who was the principal here, put together a petition signed by 20 parents, of 46 children, the Summerton 66.

I'll never forget the day after I was sworn into the Legislature the superintendent of schools in Charleston County took me across the Cooper River Bridge, down the Mathis Ferry Road, to the Freedom School, the black school. He said I want to show you what we really do, he used the word at that time, "for a Negro education."

This was a cold November Day, and we went into a big one-room building. That's all they had, one room, with a pot belly stove in the middle. They had a class in this corner, a class in that back corner, a class up front in this corner, and a class here. Of course, they didn't have any desks, and very few books, and one teacher teaching the four classes.

When I went to Columbia I was with a bunch of rebels. I introduced an anti-lynching bill. I had never heard of lynchings down in Charleston, but then they had one. As we debated the bill, a fellow who was the grand dragon of the Klan got up with all these Klansmen in the Gallery, and he mumbled and raised cane. Speaker Blott got some order. But several House members walked out. They said they wouldn't be seated in the Legislature with a fellow like that. We passed the anti-lynching bill.

I'm trying to give you this background, so you'll understand the significance of what your parents did. We had just had the case, whereby blacks could participate in the Democratic primary. And we had just given women the right to vote.

And in 1949 and 1950, I struggled because there was no money in the state for separate but equal schools, or anything else. I said we ought to put in a 3 percent sales tax to pay for things. Governor Thurmond opposed it, and the senators particularly opposed it. But I made the motion for a one-cent tax on cigarettes; a one-cent tax on gasoline; and a one-cent tax on beer. Beer, cigarettes, and gasoline.

We formed a House Committee with six of us to work on it. We worked all summer. It's a long story, but let me cut it and say by December we had it all written. I knew the incoming governor, Governor Byrnes. I felt it would be good to ask him to see if he could help me with this measure.

The second week in January, before he was sworn in, he called me and said: "You've got to come to Columbia, I'm going to include this in my Inaugural address." Over time, I made 79 talks on the proposal, until we finally passed the sales tax, which provided some money for separate but equal schools.

When the *Briggs v. Elliott* case came up, before Judge Waring in Charleston, he questioned separate but equal. Then in December 1952, the case went to the Supreme Court. Governor Byrnes had served on the State Supreme Court, and he wanted to make sure we won the case. In my mind, he was absolutely sure that under Chief Justice Vinson the State would win it.

But to make sure, he set aside Mr. Bob McC. Figg, who had done all the work, and selected John W. Davis, as the attorney for South Carolina against Thurgood Marshall, who was representing Briggs and the NAACP. Mr. Davis had been the Solicitor General of the United States. He had been the Democratic nominee for president in 1924. He was considered the greatest constitutional mind in the country.

The second thing the Governor did was to call me up and say: "I'm appointing you to go to Washington, because you know intimately this law here that built the schools. You have to go to Washington in case any questions of fact come up."

So we took a train to Washington. We came in at 6 o'clock that morning at Union Station, and we sat down for breakfast. I'll never forget it, because Thurgood Marshall walked in. He and Bob McC. Figg had become real close friends. So he sat down and was eating breakfast with us, and we began swapping stories.

Mr. Marshall said "Bob, you know that black family that moved into that white neighborhood in Cicero, IL. They have so much trouble. There are riots, and everything else going on." And he said: "Don't tell anybody, but I got hold of Governor Adlai Stevenson." Stevenson was the governor of Illinois at the time. And he said: "I sent that family back to Mississippi for safe keeping." And Thurgood added, "for God's sake, don't tell anybody that or it will ruin me." I said: "for God's sake, don't tell anybody I'm eating breakfast with you, or I will never get elected again."

I tell you that story so you can get a feel for 1952, for what it was like 50 years ago.

We had wanted Briggs to be the lead case before the Supreme Court. It was one of five cases that they would hear collectively. But soon after our breakfast, we found out that Roy Wilkins from the NAACP had gotten together with the Solicitor General and moved the Kansas case in front of the South Carolina case. Some reports said the reason was because they wanted a northern case. That was not it. There was another case from the State of Delaware, which was just as north as the State of Kansas.

Kansas was selected because up until the sixth grade, yes, it was segregated. But thereafter it was a local option, and the schools were mostly integrated.

Before the court John W. Davis obviously made a very impassioned, constitutional argument. But Thurgood Marshall made the real argument, there wasn't any question about it. He had been with this case. He had the feel, and everything else of that kind.

I can still hear and see Justice Frankfurter on the Court leaning over and saying, "Mr. Marshall, Mr. Marshall, you've won your case, you've won your case. What happens next?" And Thurgood Marshall said, well, if he prevails, then the state imposed policy of separation by race would be removed. The little children can go to the school of their choice. They play together before they go to school. They come back and play together after school. Now they can be together at school. The State imposed policy of separation by race in South Carolina would be gone.

Another lawyer arguing the case was George E. C. Hayes, and when I heard him that was my epiphany. Mr. Hayes got everyone because he used a jury argument before the Supreme Court. He said: as black soldiers we went to the war to fight on the front lines in Europe, and when we come home we have to sit on the back of the bus.

I had been with the 9th Anti-Artillery Aircraft unit in Tunisia in Africa for a month. And then I was in Italy and Germany and crossed over to what is now Kosovo. So I

served. I knew exactly what he was talking about. And I said this is wrong.

The next year Chief Justice Vinson died. It was reported at that time that Justice Frankfurter said for the first time that he believed there was a God in Heaven when Vinson passed away. They appointed Mr. Earl Warren as Chief Justice, who dragged everybody back to the Court to re-argue the case in December of 1953. He didn't want to hear about separate but equal. He wanted the case re-argued on the constitutionality of segregation itself.

Then on May 17, 1953 the decision came down, it was unanimous, segregation was over in this country. So the lawyers immediately got together to discuss how to implement the decision. Since the decision said to integrate schools with all deliberate speed, there was arguments back and forth on how we could comply with this order with all deliberate speed and not start chaos all over the land.

Some school authority down in Charleston came up with the idea that with all deliberate speed meant we would integrate the first grade the first year; we would integrate the first and second grades the second year; the third year would be the first, second, and third grades. Over a 12-year period, we would then have the 12 grades integrated. When the head of the NAACP in New York heard that he said: "Noooo Way. We are not going to be given our constitutional rights on the installment plan." And that ended that. But nothing was done for about 10 years, until Martin Luther King came along.

When I became Governor, I started working on other areas that needed to be integrated, beginning with law enforcement. I'll never forget all the white sheriffs who were against all the blacks. We only had 34 black sheriffs. We have about 500 today.

And we literally broke up and locked up the Ku Klux Klan. I remember on the day I was sworn in as Governor, waiting for me was a green and gold embossed envelope, with a lifetime membership into the Ku Klux Klan. I never heard of such a thing. I asked the head of law enforcement, do we have the Ku Klux Klan in South Carolina? He said, "Ohhh yes. We have 1,727 members." I asked, you have an actual count? And he said: "Ohhh yes, we keep a count of them." He said he could get rid of them, but no Governor had helped him in the past. I said, I'll help you. What do we do? He said: "I need a little money."

So we infiltrated the Klan, and the members began to know, or their bosses at businesses knew because they would say to these people: "You know on Friday night, your man, so and so, has been going to these rallies." The next thing you know, they quit going to the rallies. So by the time we integrated Clemson with Harvey Gantt, it went very, very peacefully. And there were less than 300 Klansmen.

Then, of course, as Senator I took my hunger trips. This is the effect those arguments before the court had on me. I took those trips with the NAACP to 16 different counties. As a result, we embellished the food stamp program, we instituted the women infants and children's feeding program, and the school lunch program. The attendance in schools went way up when we started that.

As your Senator I had the privilege of employing Ralph Everett. He was the first black staff director of any committee in the United States Senate.

We have both Andy Chishom and Israel Brooks as the first black Marshalls of South Carolina. Matthew Perry, the first black district judge of a Federal court ever appointed, I appointed. The first black woman judge to the Federal district court, Margaret Seymour, I appointed her. So we have made a lot of progress along that line.

But to give you a feel for how things have changed, I remember speaking at the C.A. Johnson High School in Columbia, the largest black high school in the entire state, the day after Martin Luther King was assassinated.

At the event, there was a mid-shipman, a senior at the Naval Academy, who stood up and made one of the finest talks I ever heard. I turned to the principal, because it was his son, and I asked: who appointed your son to the Naval Academy? He didn't answer. We walked down the row, and I can see me now, asking him again. He still didn't answer. When I got to my car, I said evidently you don't understand my accent from Charleston. Who appointed your son to the U.S. Naval Academy? He said, "Senator, I didn't want to have to answer that question. We couldn't get a member of the South Carolina delegation to appoint him. Hubert Humphrey appointed him."

What goes around, comes around. Today, I have more minority appointments to West Point, Annapolis, and the Air Force Academies than anybody. Recently I had Chuck Bolden, who is a major general in the marine corps and a former astronaut, ready to return to NASA as the number two person there. But the Pentagon raised the question about taking such a talent during a time of war and moving him to the civilian space program. So we said the heck with it, he's too needed in the military.

That is the effect Briggs v. Elliott had on this public servant. There isn't any question that without the courage of your parents, our society would be a lot worse off today.

I was there a few years back when the Congress of the United States gave the Congressional Gold Medal to Rosa Parks. She deserved it, and we wouldn't take anything from her for not moving her seat. But in the 1950s the worst they could have done to her was to pull her off the bus. These descendants lost their homes. They lost their livelihoods. They almost lost their lives. As far as continuing their life in the State of South Carolina, they could not do it.

Without their courage, without their stamina, without their example in starting the Briggs v. Elliott case, we never would have had a civil rights act. We never would have had a voting rights act. We never would have had all the progress we've made over the many, many years.

So I wanted particularly to come back and to publicly thank each of you descendants. And I want to announce that I am putting forward a bill that would honor posthumously Rev. De Laine with a Congressional Gold Medal.

I need 66 co-sponsors in the Senate. We have to have similar support on the House side. But Cong. Clyburn, he can get way more votes than I can. I don't think he'll have any trouble. We'll try to work it out so that in '04, the 50th anniversary of when the decision came down, we'll be able to make that presentation.

I just want to end by saying because of the courage of your parents, we made far more progress in the United States of America. Our country is a far stronger country. We are more than ever the land of the free and the home of the brave because of Briggs v. Elliott. And I thank you all very, very much.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 499. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, 137 years ago, before the term homeland

security was even coined, a group of men devoted themselves to securing the frontiers of this Nation. They protected Americans in their homes; they deterred hostile invaders, and they secured the blessings of liberty for a young country. Even more remarkable, they secured these blessings for others, while they could not fully enjoy them themselves.

I am referring to the Buffalo Soldiers. These brave men instituted a tradition of professional military service for African Americans that spans the greater part of American history. African American military service is as old as our Nation. There were black soldiers during the Revolution, a unit of free black men played a pivotal role in the Battle of New Orleans, and the exploits of African Americans during the Civil War have been captured in novels and on film. However, it was not until the Army Reorganization Act of 1866 that soldiering and service to country became a realistic option for African Americans seeking to improve their quality of life. In so doing, they raised the bar of freedom, and revealed the injustice of preventing the defenders of democracy from fully participating in it.

The city of New Orleans, and the State of Louisiana have a rich history. They have given more than their fair share of sons to the service of our Nation. Much of this history is commemorated throughout the State. Yet, these great sons of New Orleans remain unacknowledged in their home. For in Louisiana's great military tradition, surely two of its greatest military contributions were the 9th Cavalry Regiment and the 25th Infantry Regiment.

These two forces, recruited and organized in New Orleans, represent half of all the units of Buffalo Soldiers. The 9th Cavalry alone constituted 10 percent of all the American cavalry. Their list of adversaries reads like a who's who of the Old West—Geronimo, Sitting Bull, Pancho Villa. In movies, when settlers encounter Apaches, the cavalry always comes to the rescue. Yet how many times were the cavalry that rode over the horizon African American? Of course, the reality is that the Buffalo Soldiers comprised some of our Nation's most capable and loyal troops. Despite suffering the worst deprivations known to any American soldiers of the period, they had the lowest desertion rates in the Army. The 9th Cavalry was awarded 10 Congressional Medals of Honor, including a native Louisianan, SGT. Emanuel Stance—a farmer from Carrol Parish.

For these reasons, I am offering legislation that would authorize the creation of a suitable memorial in New Orleans for these gallant soldiers. There is an excellent statue to the Buffalo Soldiers at Fort Leavenworth, KS. It commemorates the 10th Cavalry Regiment stationed there. However, I believe that these men deserve to be recognized in their home city.

Furthermore, it should be in a location where thousands of visitors will

have the opportunity to come to appreciate the legacy of the Buffalo Soldiers. I believe that the city of New Orleans is the perfect location.

Mr. President, we have made a number of changes to this legislation after consultations with the American Battle Monuments Commission. I believe these changes should address any concerns that they have expressed. Furthermore, we have an able and dedicated organization of individuals in the State who desperately want to see this project to completion. Last year, I had the pleasure of being in New Orleans with another of this Nation's great military heroes, Senator DANIEL INOUE. We addressed a group of distinguished veterans from all around the State. Among them was George Jones, President of the Greater New Orleans Chapter of the Buffalo Soldiers Association. They have been working with Eddie Dixon, the artist for the beautiful Fort Leavenworth statue, to develop an appropriate memorial in the city of New Orleans for over a decade. This bill will fulfill that noble ambition.

Mr. President, this Nation has sadly found the need to say thank you to its service men and women after the fact on more than one occasion. Unfortunately, this is another. We are fortunate to have living memories of the 9th and 10th Cavalry Regiments today. The regiments were not disbanded until the conclusion of World War II, where they served with distinction. We should take this opportunity to honor these veterans, and in so doing, honor the principles of liberty, freedom and democracy for which they fought and sacrificed. They have given so much to their Nation, we owe them this public expression of gratitude.

Mr. President, I ask unanimous consent that these remarks appear in the RECORD, contiguous to the introduced bill and that the bill be printed in the RECORD.

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

S. 499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Soldier Commemoration Act of 2003".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the 9th and 10th Cavalry regiments and the 24th and 25th Infantry regiments, comprised of African-American soldiers referred to as "Buffalo Soldiers", performed outstanding service to the United States during—

- (A) the Indian Wars;
- (B) the Spanish-American War;
- (C) the Philippine Insurrection; and
- (D) the raids against Pancho Villa;

(2) in recognition of the contributions of the Buffalo Soldiers to the defense of the United States, soldiers in the 9th and 10th Cavalry regiments were awarded 20 individual Congressional Medals of Honor;

(3) the Buffalo Soldiers established a rich tradition of professional African-American

soldiers in the United States Army by granting a commission—

(A) in the 10th Cavalry regiment, to the first African-American professional officer; and

(B) in the 9th Cavalry regiment, to the first African-American graduates of West Point;

(4) while the Buffalo Soldiers served the United States with bravery and fortitude in the harshest environments and under the most difficult conditions, the service of the Buffalo Soldiers has not been sufficiently memorialized;

(5) the Buffalo Soldiers remain emblems of the work of free men in defense of the United States and should be recognized for their contributions; and

(6) because 2 of the 4 African-American regiments were organized in the State of Louisiana and were initially comprised of recruits from the city of New Orleans, the State of Louisiana is an appropriate place to establish a memorial to recognize the contributions of the Buffalo Soldiers.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **BUFFALO SOLDIER.**—The term "Buffalo Soldier" means an African-American soldier that served in—

- (A) the 9th Cavalry regiment;
- (B) the 10th Cavalry regiment;
- (C) the 24th infantry regiment; or
- (D) the 25th infantry regiment.

(2) **CITY.**—The term "city" means the city of New Orleans, Louisiana.

(3) **COMMISSION.**—The term "Commission" means the American Battle Monuments Commission.

(4) **FUND.**—The term "Fund" means the Buffalo Soldier Memorial Fund established by section 5(a).

(5) **MEMORIAL.**—The term "memorial" means the memorial established under section 4(a).

(6) **MUSEUM.**—The term "museum" means the Louisiana State Museum in the State.

(7) **STATE.**—The term "State" means the State of Louisiana.

#### SEC. 4. ESTABLISHMENT OF MEMORIAL.

(a) **IN GENERAL.**—The Commission may establish a memorial to honor the Buffalo Soldiers—

- (1) on Federal land in the city or its environs; or
- (2) on land donated by the city or the State.

(b) **CONTRIBUTIONS.**—The Commission shall solicit and accept contributions sufficient for the construction and maintenance of the memorial.

(c) **MAIL.**—The Commission shall be considered to qualify for the rates of postage currently in effect under former section 4452 of title 39, United States Code, for third-class mail matter mailed by a qualified nonprofit organization with respect to official mail sent in carrying out this section.

(d) **VOLUNTARY SERVICES.**—

(1) **IN GENERAL.**—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept from any person voluntary services provided in furtherance of fundraising activities of the Commission relating to the memorial.

(2) **TREATMENT OF VOLUNTEERS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), a person that provides voluntary services under this subsection—

(i) shall be considered to be a Federal employee for the purposes of chapter 81 of title 5 and chapter 171 of title 28, United States Code; but

(ii) shall not be considered to be a Federal employee for any other purpose by reason of the provision of the voluntary service.

(B) CERTAIN RESPONSIBILITIES.—A person described in subparagraph (A) that is assigned responsibility for the handling of funds or the carrying out of a Federal function shall be subject to—

(i) section 208 of title 18, United States Code; and

(ii) part 2635 of title 5, Code of Federal Regulations (or any successor regulation).

(3) REIMBURSEMENT.—The Commission may—

(A) identify types of incidental expenses incurred by a person providing voluntary services under this subsection for which the person may be reimbursed; and

(B) provide for reimbursement of those expenses.

(4) NO EFFECT ON FEDERAL EMPLOYEES.—Nothing in this subsection—

(A) requires any Federal employee to work without compensation; or

(B) permits the use of volunteer services to displace or replace any services provided by a Federal employee.

(e) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the memorial shall not be considered to be a funding agreement for the purpose of chapter 18 of title 35, United States Code.

(f) LEGAL REPRESENTATION.—

(1) IN GENERAL.—The Attorney General shall provide the Commission such legal representation as the Commission requires to carry out subsection (e).

(2) PATENT AND TRADEMARK REPRESENTATION.—The Secretary of Defense shall provide representation for the Commission in any administrative proceeding before the Patent and Trademark Office and Copyright Office.

(g) IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.—Section 203 of title 17, United States Code, shall not apply to any copyright transferred to the Commission.

(h) PARTICIPATION IN COMBINED FEDERAL CAMPAIGN.—The Director of the Office of Personnel Management shall include the Commission on the list of agencies eligible for participation in each Combined Federal Campaign carried out the Executive Branch under Executive Order No. 10927 (March 18, 1961), until such time as the Commission certifies to the Director of the Office of Personnel Management that fundraising for the memorial is concluded.

#### SEC. 5. MEMORIAL FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be used by the Commission to pay the expenses incurred in establishing the memorial, to be known as the "Buffalo Soldier Memorial Fund".

(b) DEPOSITS IN THE FUND.—The Commission shall deposit in the Fund—

(1) amounts accepted by the Commission under section 4(b); and

(2) interest and proceeds credited to the Fund under subsection (d).

(c) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund that is not, in the judgment of the Chairman of the Commission, required to meet current withdrawals. Investments may be made only in—

(1) an interest-bearing obligation of the United States; or

(2) an obligation guaranteed as to principal and interest by the United States that the Chairman of the Commission determines has a maturity suitable for the Fund.

(d) CREDITS TO FUND.—The interest on, and proceeds from sale or redemption of, obligations held in the Fund shall be credited to the Fund.

(e) USE OF FUND.—Amounts in the Fund shall be available—

(1) to the Commission—

(A) to pay expenses incurred in establishing the memorial; and

(B) to secure, obtain, register, enforce, protect, and license any mark, copyright, or patent that is owned by, assigned to, licensed to the Commission to aid or facilitate the construction of the memorial; and

(2) to the Commission, or to another agency or entity to which the amounts are transferred under subsection (f)—

(A) for the maintenance and upkeep of the memorial; and

(B) after establishment of the memorial, for such other expenses relating to the memorial as the Commission, agency, or entity considers to be necessary.

(f) TRANSFER OF AMOUNTS IN FUND.—Amounts in the Fund may be transferred by the Commission to an agency or entity to which title to the memorial is transferred under section 6.

#### SEC. 6. TRANSFER OF POSSESSION AND AUTHORITY FOR MEMORIAL.

On or after the date that is 1 year after the date of establishment of the memorial, the Commission may transfer any amounts remaining in the Fund, and title to and responsibility for future operation and maintenance of the memorial, to, at the option of the Commission—

(1) the National Park Service; or

(2) another appropriate governmental agency or other entity (such as a State or local government agency, or a nonprofit corporation that applies to the Commission to take title to the memorial) that is an organization described in section 170(c) of the Internal Revenue Code of 1986.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. GRASSLEY (for himself,  
Mr. COCHRAN, Mr. BAUCUS, Mr.  
DEWINE, Mr. JOHNSON, and Ms.  
SNOWE):

S. 501. A bill to provide a grant program for gifted and talented students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, today I am reintroducing legislation intended to help states address the educational needs of gifted and talented students. There are approximately 3 million children in the United States who are considered gifted and talented. It is important to note that gifted and talented children are not simply the kids who do well in school and get good grades. In fact, not all gifted students get good grades and not all students who get straight A's are necessarily gifted learners. What makes a child gifted and talented is how he or she learns. Gifted and talented children actually look at the world differently and often have a different way of interacting socially. As a result, gifted and talented students have different educational needs than other students.

I am reminded of an example from my home state of Iowa. I have learned of a third grade student from Iowa City named Jose. Jose was having trouble in school. He didn't always complete his assignments and he had trouble paying attention in class. He was also a bit of a loner and didn't interact much with his classmates. As a result, his teacher

saw him as a problem student and struggled to get him to behave like the other children. Still, it was clear to Jose's parents that he had a hunger to learn. He loved to go to the library and was very inquisitive. Over the summer, Jose's parents had his IQ tested and he was found to have a high level of intelligence. As a result, when he started school again in the fall, his parents asked that he be identified as gifted and receive services. Jose now leaves his regular classroom a couple of times a week for what Iowa City schools call the "extended learning program." As a result, he is finally receiving the stimulation he was lacking at school. Jose now enjoys school more, has made new friends, and is doing great with his regular school work.

Gifted and talented children have enormous potential. Today's gifted and talented child may grow up to become a leader in the field of science or a world-renowned performer. However, this will not happen automatically. Gifted and talented children need to be challenged and their unique skills must be nurtured. Currently, many gifted and talented children do not receive the educational programs and services they need to live up to their potential. In fact, many gifted and talented children lose interest in school; they learn how to expend minimum effort for top grades, have low motivation, and develop poor work habits. Some may abandon their education altogether and drop out of school. This is a tragedy not only for the students, but also for our society.

We hear a lot about how the United States has a shortage of individuals with the skills in math and science that are necessary for our Nation to continue to be competitive in today's global economy. Our security agencies are scrambling to find linguists who know or can quickly learn foreign languages. In fact, one of the findings included in my bill states, "To meet the future economic and national security needs of the United States, it is important that more students achieve to higher levels, and that highly capable students receive an education that prepares them to perform the most highly innovative and creative work that is necessary to secure our Nation's position in the world."

In times of national crisis or uncertainty, the United States has always turned to its best and brightest to solve whatever problems face us. The launch of Sputnik by the Soviet Union brought to national attention for the first time the need to develop the special gifts and talents of young Americans. Once again, we find ourselves in a time of uncertainty, facing new threats and challenges that we are struggling to understand. In order to ensure that our country is prepared to face whatever unforeseen problems will come our way in the future, we must invest now in this vital national resource, gifted students.

My legislation is not intended to make the education of gifted and talented students primarily a Federal responsibility. Education is, and should be, chiefly a State and local responsibility. Nevertheless, the Federal Government does have a role to play. The availability and quality of gifted and talented educational services currently varies widely from State to State. This situation has an especially adverse effect on disadvantaged gifted students whose parents cannot afford to pay for private programs or summer camps. Ultimately, gifted and talented students in every public school should have access to specialized educational services that are designed to address their learning needs. Still, my bill would simply provide the seed money to help States begin to expand the availability of gifted education services.

My gifted and talented initiative would distribute grants, based on a State's student population, to each State education agency. States will then provide grants to local school districts on a competitive basis to be used to identify and provide educational services to gifted and talented students from all economic, ethnic, and racial backgrounds, including students with limited English proficiency and students with disabilities. Rather than providing a steady Federal funding stream directly to the local level, on which schools might become dependent, the competitive subgrants will allow States to target school districts that need to jump-start their gifted and talented program. At the same time, the local competitive grant process will encourage State education agencies to more closely examine the needs of gifted children in their respective States.

At least 90 percent of the funds provided to a State must be subgranted to school districts and the funds must supplement, not supplant, funds currently being spent. Additionally, States must make their own commitment to gifted and talented students by matching 10 percent of the Federal funds, either in cash or in kind. All of this is intended to help gifted and talented programs and services take root in each State and in local school districts so that they can grow and develop to fully address the unique educational needs of this special group of students.

I have intentionally included a broad range of authorized uses for the grants in my bill in order to allow States and local school districts the flexibility to address their specific needs. School districts can use these funds to provide professional development for personnel involved in the education of gifted and talented students, including gifted education teachers, general education teachers, and other school personnel like administrators and school counselors. The funds can also be used to provide direct educational services and materials. Or, school districts could use the funds to support items like in-

novative strategies for teaching gifted students, making materials available through regional centers, or providing high-level course work through distance learning technology.

The Federal involvement in gifted and talented education is not new. The Javits Gifted and Talented Students Education Act has provided valuable information on strategies to meet the needs of gifted students since 1988 through the funding of demonstration grants and the National Research Center on the Gifted and Talented. In the No Child Left Behind Act of 2001, Congress expanded the Javits Act to authorize competitive grants to States to expand the capacity of States to meet the needs of gifted students. These new grants represent some potential to improve the ability of select States to address the needs of gifted and talented children, and I am pleased with the progress we have been able to make thus far. My legislation would build on the existing Javits Act to create a comprehensive approach to expanding the ability of States and school districts nationwide to meet the needs of gifted and talented students.

Congress has rightly placed a renewed emphasis on making sure all children are successful learners. In our efforts to leave no child behind, we must not forget gifted and talented students. I would remind my colleagues of the example I cited earlier. Jose is a success story because his parents saw his potential and pointed it out to school officials, and because he attended a school where quality gifted education services are available. There are many more students like Jose across the country who have either not been identified as gifted or who attend a school where gifted education services are not provided. I would urge my colleagues to join me in seeing that these exceptional young people across our great Nation have the support and services they need to be successful. I ask for your support for the Gifted and Talented Students Education Act of 2003.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 501

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GRANT PROGRAM FOR GIFTED AND TALENTED STUDENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Gifted and Talented Students Education Act of 2003".

(b) **AMENDMENT.**—Subpart 6 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7253 et seq.) is amended by adding at the end the following:

**"Chapter B—Grant Program For Gifted and Talented Students**

**"SEC. 5467. FINDINGS; ESTABLISHMENT OF PROGRAM; AUTHORIZED ACTIVITIES.**

"(a) **FINDINGS.**—Congress makes the following findings:

"(1) Gifted and talented students give evidence of high performance capability in specific academic fields, or in areas such as intellectual, creative, artistic, or leadership capacity, and require services or activities not ordinarily provided by a school in order to fully develop such capabilities. Gifted and talented students are from all cultural, racial, and ethnic backgrounds, and socioeconomic groups. Some such students have disabilities and for some, English is not their first language. Many students from such diverse backgrounds have been historically underrepresented in gifted education programs.

"(2) Elementary school students who are gifted and talented have already mastered 35 to 50 percent of the material covered in a school year in several subject areas before the school year begins.

"(3) Elementary school and secondary school teachers have students in their classrooms with a wide variety of traits, characteristics, and needs. Most teachers receive some training to meet the needs of these students, such as students with limited English proficiency, students with disabilities, and students from diverse cultural and racial backgrounds. However, most teachers do not receive training on meeting the needs of students who are gifted and talented.

"(4) While the families or communities of some gifted students can provide private programs with appropriately trained staff to supplement public educational offerings, most high-ability students, especially those from inner cities, rural communities, or low-income families, must rely on the services and personnel provided by public schools. Therefore, gifted education programs, provided by qualified professionals in the public schools, are needed to provide equal educational opportunities.

"(5) Parents and families are essential partners to schools in developing appropriate educational services for gifted and talented students. They need access to information, research, and support regarding the characteristics of gifted children and their educational, and social and emotional needs, as well as information on available strategies and resources for education in State and local communities.

"(6) There currently is no Federal requirement to identify or serve the Nation's approximately 3,000,000 gifted and talented students.

"(7) While some States and local educational agencies allocate resources to educate gifted and talented students, others do not. Additionally, State laws, and State and local funding, identification, and accountability mechanisms vary widely, resulting in a vast disparity of services for this special-needs population.

"(8) To meet the future economic and national security needs of the United States, it is important that more students achieve to higher levels, and that highly capable students receive an education that prepares them to perform the most highly innovative and creative work that is necessary to secure our Nation's position in the world.

"(9) The performance of twelfth-grade advanced students in the United States on the Third International Mathematics and Science Study (TIMSS) was among the lowest in the world. In each of 5 physics content areas in the study and in each of 3 mathematics content areas in the study, the performance of physics and advanced mathematics students in the United States was among the lowest of the participating countries.

"(10) In 1990, fewer than 2 cents out of every \$100 spent on elementary and secondary education in the United States was

devoted to providing challenging programming for the Nation's gifted and talented students.

“(b) PROGRAM AUTHORIZED.—

“(1) COMPETITIVE GRANTS TO STATES.—If the amount appropriated under section 5468 for a fiscal year is greater than \$7,500,000 but less than \$57,500,000, then the Secretary may use such amount to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award grants to local educational agencies under section 5467C for developing or expanding gifted and talented education programs, and providing direct educational services and materials.

“(2) FORMULA GRANTS TO STATES.—If the amount appropriated under section 5468 for a fiscal year equals or exceeds \$57,500,000, then the Secretary may use such amount to award grants to State educational agencies, from allotments under section 5467B, to enable the State educational agencies to award grants to local educational agencies under section 5467C for developing or expanding gifted and talented education programs, and providing direct educational services and materials.

“(c) AUTHORIZED ACTIVITIES.—Grant funds provided under this chapter shall be used to carry out 1 or more of the following activities:

“(1) Any activity described in paragraph (2), (4), (6), or (7) of section 5464(b).

“(2) Providing direct educational services and materials to gifted and talented students, which may include curriculum compacting, modified or adapted curriculum, acceleration, independent study, and dual enrollment.

“(d) LIMITATIONS ON USE OF FUNDS.—

“(1) COURSE WORK PROVIDED THROUGH EMERGING TECHNOLOGIES.—Grant funds provided under this chapter that are used for activities described in section 5464(b)(7) may include development of curriculum packages, compensation of distance-learning educators, or other relevant activities, but grant funds provided under this chapter may not be used for the purchase or upgrading of technological hardware.

“(2) STATE USE OF FUNDS.—

“(A) IN GENERAL.—A State educational agency receiving a grant under this chapter may not use more than 10 percent of the grant funds for—

“(i) dissemination of general program information;

“(ii) providing technical assistance under this chapter;

“(iii) monitoring and evaluation of programs and activities assisted under this chapter;

“(iv) providing support for parental education; or

“(v) creating a State gifted education advisory board.

“(B) ADMINISTRATIVE COSTS.—A State educational agency may use not more than 50 percent of the funds made available to the State educational agency under subparagraph (A) for administrative costs.

#### “SEC. 5467A. ALLOTMENTS TO STATES.

“(a) RESERVATION OF FUNDS.—From the amount made available to carry out this chapter for any fiscal year, the Secretary shall reserve  $\frac{1}{2}$  of 1 percent for the Secretary of the Interior for programs under this chapter for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

“(b) STATE ALLOTMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall allot the total amount made available to carry out this chapter for any fiscal year and not reserved under subsection (a) to the States on

the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

“(2) MINIMUM GRANT AMOUNT.—No State receiving an allotment under paragraph (1) may receive less than  $\frac{1}{2}$  of 1 percent of the total amount allotted under such paragraph.

“(c) REALLOTMENT.—If any State does not apply for an allotment under this section for any fiscal year, then the Secretary shall reallocate such amount to the remaining States in accordance with this section.

#### “SEC. 5467B. STATE APPLICATION.

“(a) IN GENERAL.—To be eligible to receive a grant under this chapter, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) CONTENTS.—Each application under this section shall include assurances that—

“(1) the funds received under this chapter will be used to identify and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, such students of limited English proficiency, and such students with disabilities;

“(2) the funds not retained by the State educational agency shall be used for the purpose of making, in accordance with this chapter and on a competitive basis, grants to local educational agencies;

“(3) the funds received under this chapter shall be used only to supplement, but not supplant, the amount of State and local funds expended for the education of, and related services for, gifted and talented students;

“(4) the State educational agency will provide matching funds for the activities to be assisted under this chapter in an amount equal to not less than 10 percent of the grant funds to be received, which matching funds may be provided in cash or in kind; and

“(5) the State educational agency shall develop and implement program assessment models to ensure program accountability and to evaluate educational effectiveness.

“(c) APPROVAL.—To the extent funds are made available to carry out this chapter, the Secretary shall approve an application of a State if such application meets the requirements of this section.

#### “SEC. 5467C. DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.

“(a) GRANT COMPETITION.—A State educational agency shall use not less than 90 percent of the funds made available to the State educational agency under this chapter to award grants to local educational agencies (including consortia of local educational agencies) to enable the local educational agencies to carry out the authorized activities described in section 5467(c).

“(b) COMPETITIVE PROCESS.—Funds provided under this chapter to local educational agencies shall be distributed to local educational agencies through a competitive process that results in an equitable distribution by geographic area within the State.

“(c) SIZE OF GRANT.—A State educational agency shall award a grant under subsection (a) for any fiscal year in an amount sufficient to meet the needs of the students to be served under the grant.

#### “SEC. 5467D. LOCAL APPLICATIONS.

“(a) APPLICATION.—To be eligible to receive a grant under this chapter, a local educational agency (including a consortium of local educational agencies) shall submit an application to the State educational agency.

“(b) CONTENTS.—Each application under this section shall include—

“(1) an assurance that the funds received under this chapter will be used to identify

and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, such students of limited English proficiency, and such students with disabilities;

“(2) a description of how the local educational agency will meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students; and

“(3) an assurance that funds received under this chapter will be used to supplement, not supplant, the amount of funds the local educational agency expends for the education of, and related services for, gifted and talented students.

#### “SEC. 5467E. ANNUAL REPORTING.

“Beginning 1 year after the date of enactment of the Gifted and Talented Students Education Act of 2003 and for each year thereafter, the State educational agency shall submit an annual report to the Secretary that describes the number of students served and the activities supported with funds provided under this chapter. The report shall include a description of the measures taken to comply with paragraphs (1) and (4) of section 5467B(b).

#### “SEC. 5467F. CONSTRUCTION.

“Nothing in this chapter shall be construed to prohibit a recipient of funds under this chapter from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

#### “SEC. 5467G. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

“In making grants under this chapter, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

#### “SEC. 5467H. DEFINITIONS.

“For purposes of this chapter:

“(1) GIFTED AND TALENTED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘gifted and talented’ when used with respect to a person or program—

“(i) has the meaning given the term under applicable State law; or

“(ii) in the case of a State that does not have a State law defining the term, has the meaning given such term by definition of the State educational agency or local educational agency involved.

“(B) SPECIAL RULE.—In the case of a State that does not have a State law that defines the term, and the State educational agency or local educational agency has not defined the term, the term has the meaning given the term in section 9101.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### “Chapter C—Authorization of Appropriations

#### “SEC. 5468. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$170,000,000 for each of fiscal years 2004 through 2010, of which—

“(1) \$7,500,000 shall be available for each fiscal year to carry out chapter A; and

“(2) the remainder shall be available for each fiscal year to carry out chapter 2.”

#### SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.

Subpart 6 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7253 et seq.) is amended—

(1) by inserting after the subpart designation the following:



**"Chapter A—Jacob K. Javits Gifted and Talented Students Education Program";**

(2) in section 5461 (20 U.S.C. 7253), by striking "This part" and inserting "This chapter";

(3) by striking "this part" each place the term appears and inserting "this chapter"; and

(4) in section 5464 (20 U.S.C. 7253c)—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

By Mrs. BOXER:

S. 502. A bill to amend the Safe Drinking Water Act to designate perchlorate as a contaminant and to establish a maximum contaminant level for perchlorate; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation to protect drinking water from contamination by the toxic chemical perchlorate. My bill will require the U.S. Environmental Protection Agency (EPA) to establish a standard for perchlorate contamination in drinking water supplies by July 1, 2004. Under EPA's current schedule, 2006 is the earliest date a standard would be finalized.

Perchlorate is a clear and present danger to California's public health. We cannot wait 4 more years to address this threat. EPA needs to get moving and protect our drinking water sooner rather than later.

Drinking water sources for at least 7 million Californians and millions of other Americans are contaminated with perchlorate. Perchlorate is the main ingredient in rocket fuel, which accounts for 90 percent of its use. Perchlorate is also used for ammunition, fireworks, highway safety flares, air bags, and fertilizers. It dissolves readily in many liquids, including water, and moves easily and quickly through cracks and water.

Perchlorate was first discovered in drinking water in 1957, although it was rarely listed as a contaminant of concern as late as the mid-1990s. Since 1997, when California's Department of Health Services developed a new, more sensitive analytical testing method that can detect perchlorate down to 4 parts per billion, perchlorate has been found in soil, groundwater, and surface water throughout the U.S.

Perchlorate poses a variety of serious health risks relating to thyroid function, especially in newborns, children, and pregnant women. Exposure to perchlorate interferes with the thyroid gland's ability to produce the hormones needed for normal prenatal development. This can cause both physical and mental retardation. Perchlorate is also linked to thyroid cancer.

Californians face special threats from perchlorate contamination because so many rockets and missiles were built and tested in the state during World War II and the cold war. Groundwater can become contaminated wherever the chemical is manufactured, used, disposed of, or stored.

Alarming levels of perchlorate have been discovered in Lake Mead and the Colorado River, the drinking water source for millions of Southern Californians. Communities in the Inland Empire, San Gabriel Valley, Santa Clara Valley, and the Sacramento area are also grappling with perchlorate contamination. In addition, more than 20 million Americans in at least 19 states drink water contaminated with perchlorate.

My bill will ensure that EPA acts swiftly to address this threat to our health and welfare. I look forward to working with my colleagues to pass this important piece of legislation.

By Ms. LANDRIEU:

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, I was surprised and disappointed by the Ninth Circuit Court of Appeals' decision not to reconsider its ruling in the case of *Newdow versus U.S. Congress*. To remind my colleagues, in the *Newdow* case, a three-judge panel of the Ninth Circuit held that the reference to God in the Pledge of Allegiance was unconstitutional. The Bush administration requested that the Ninth Circuit reconsider its ruling in the case. At the end of last week, the Ninth Circuit meeting en banc refused to reconsider its ruling. The case will likely go to the Supreme Court.

When the court first made its decision in *Newdow* last year, I introduced a proposed constitutional amendment that simply said that references to God in the Pledge of Allegiance and on our currency did not affect an establishment of religion under the first amendment. In light of the en banc Ninth Circuit's refusal to reconsider its ruling, I am reintroducing my proposed amendment today.

Mr. President, references to God are found in every one of our founding documents from the Declaration of Independence to the Constitution, as well as in the Pledge of Allegiance. The phrase "In God We Trust" appears on all of our currency and on many public buildings. Every day, we begin Senate sessions with a prayer and the pledge. I firmly believe that the Framers of the Constitution and the first amendment did not want to ban all references to God from public discourse when they wrote the establishment clause. What they wanted to prevent was the establishment of an official national religion and to keep the Government from getting intimately involved in the organization of one religion over another.

These references to God are ceremonial. Certainly, they do have meaning, but individuals are free to put whatever meaning on the word they choose. Indeed, I fully respect and support the rights of people not to participate in

the pledge or in ceremonial prayer and my amendment will not coerce anyone to recite the Pledge of Allegiance in public or in school.

Mr. President, I had hoped that the Ninth Circuit would reconsider its earlier holding. It has not. The Supreme Court may have the opportunity to hear arguments in this case. Should the Supreme Court decide not to hear the case or to overrule the lower court, then Congress should restore the appropriate balanced separation between church and state that I believe was the intent of the Framers.

I urge my colleagues to support this joint resolution.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 7

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission by the Congress:*

"ARTICLE—

"SECTION 1. A reference to God in the Pledge of Allegiance or on United States currency shall not be construed as affecting the establishment of religion under the first article of amendment of this Constitution.

"SECTION 2. Congress shall have the power to enforce this article by appropriate legislation."

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 70—DESIGNATING THE WEEK BEGINNING MARCH 16, 2003 AS "NATIONAL SAFE PLACE WEEK"

Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/