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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Bishop Alfred A. Owens, Mount Calvary Holy Church, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Most gracious and everlasting God, we thank You for this glorious day that You have allowed us to see, and we honor You for Your undying faithfulness toward us.

Help us to continually hold up the light of Your love, and may we be always mindful of our collective duty to serve each other as we serve You.

Teach us Your ways, and lead us in a plain path. Shine Your light upon the road that our Senators must travel. Give them grace and truth to guide their every decision. Unite them under the banner of Your love, and allow them to speak with one clarion voice that which You would have them say.

Teach us all to lean on Your everlasting arms and give us the grace to lead according to Your everlasting word. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY O. GRAHAM led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant journal clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 25, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. GRAHAM of South Carolina thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the debate prior to 10:30 will be equally divided in relation to the pending motion to proceed to the gun manufacturers liability bill. At 10:30 this morning, the Senate will proceed to a vote on invoking cloture on the motion to proceed to that bill. I anticipate the Senate will invoke cloture, and I hope we would then be allowed to begin consideration of the bill and the amendment process.

I understand some Members have indicated a desire to speak during the postcloture period, and I do urge those colleagues to allow us to proceed to the underlying bill. There will be plenty of time on the bill to deliver those statements once the bill is before the Senate.

I expect amendments will be offered during today's session, and therefore Members can expect rollcall votes today. We will alert everyone as these votes are scheduled.

Finally, I encourage any Member who intends to offer an amendment to

the bill to contact their respective cloakrooms as soon as possible. It is helpful for both sides of the aisle, in terms of scheduling, if Members notify the managers of any possible amendments.

I thank all Senators and look forward to making substantial progress on the gun manufacturers liability bill throughout the day.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader.

EDUCATION FUNDING

Mr. DASCHLE. Mr. President, I will use leader time for a statement unrelated to the legislation before us.

Every year since 1926, Americans have set aside time in February to recognize and celebrate black history. We owe this celebration of Black History Month to Carter G. Woodson, a brilliant and determined son of former slaves, who made it his mission to write African Americans into America's history books.

Black History Month actually started out as Black History Week. Dr. Woodson chose the second week in February because it marks the birthdays of two men who greatly influenced African American history: Abraham Lincoln and Frederick Douglass.

Dr. Woodson said:

We should emphasize not Negro history, but the Negro in history. What we need is not a history of selected races or nations, but a history of the world void of national bias, race hate, and religious prejudice.

In 1870, in order to rejoin the Union, the Mississippi State Legislature needed to choose someone to fill the seat in the Senate once held by Jefferson Davis. They chose an ordained minister named Hiram Rhodes Revels.

On February 25—134 years ago today—visitors in the Senate galleries

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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burst into applause as Senator Revels became the first African American ever to serve in the Senate.

Five years later, Mississippi sent America its second African American Senator, Blanche Kelso Bruce, the first African American to serve a full term in the Senate.

Although he served only 6 years, Senator Bruce distinguished himself as a passionate advocate of civil rights for blacks, Native Americans, Chinese immigrants, and even former Confederates.

Besides Mississippi, there was another bond that connected these extraordinary men: a fierce commitment to education.

During the Civil War, Hiram Revels not only raised two black regiments for the Union Army and fought at one of the war's bloodiest battles, he established a school for freedmen in St. Louis. After serving in the Senate, he became president of a college in Mississippi.

Blanche Bruce was born a slave. His first teacher was a tutor hired to teach his master's son. At 20, he escaped slavery and became a teacher in Missouri. He later attended Oberlin College and spent much of his life after the Senate working to bring learning to former slaves, their children, and grandchildren.

It is fitting we remember these two great men of history in this Chamber where they made history, and it is especially appropriate that we remember them this year, on the 50th anniversary of *Brown v. Board of Education*, the Supreme Court ruling that declared once and forever that in America, no child can be consigned to a second-class school on the basis of race.

All Americans—not just African Americans, all Americans—are the beneficiaries of the *Brown* decision. It has made America stronger spiritually by realigning our public institutions with our great guiding principles.

It has also made America strong economically, socially, politically, intellectually, artistically, militarily, and in so many other ways by requiring every child in America—every child—be given the opportunity to make the most of his or her God-given potential.

In this Black History Month especially, America remembers and honors Thurgood Marshall and Linda Brown, the giant at the head of the NAACP brilliant legal team in *Brown*, and the brave little 8-year-old girl at the center of the case. We also remember and honor all those who helped them—and there were many—because it takes many people of good will to right great wrongs. But it is not enough to remember great turning points in our past. We should also rededicate ourselves to the great principles at the heart of the *Brown* decision.

This Black History Month, the right of every child in America to attend a good school and get a good education, regardless of race or income, is once again in jeopardy. The threat to equal

educational opportunity today is not as obvious or virulent as it was before *Brown*. We no longer tolerate laws that say some children can be consigned to second-rate schools and third- or fourth-rate futures. In fact, our laws today promise to leave no child behind. But the law is not being funded. It is a check written on insufficient funds.

I was the first in my family to graduate from college. I could not have gone to college had it not been for the ROTC scholarship I had.

I voted for No Child Left Behind because I believe every child in America deserves the same opportunities I have been given. I voted for No Child Left Behind because I know investing in the minds of young people is the smartest, most productive investment a nation can make. I voted for No Child Left Behind because I support accountability and because I have no doubt that students, teachers, principals, parents, and school board members in South Dakota and across the country can meet higher standards as long as they are given the resources.

I voted for No Child Left Behind because President Bush gave his word that the law would be funded, but that is not what has happened. In the 2 years since President Bush signed the law, he has proposed three budgets to Congress. All three times, the President has drastically underfunded his own education reform plan. The education budget President Bush recommended for next year falls \$9.4 billion short of what was originally promised in No Child Left Behind, \$9.4 billion less than what is needed to make it work.

The program that is most critical to closing the achievement gap between minority and nonminority students, title I, is cut the deepest—more than \$7.1 billion below what the law promises. The President's education budget does not leave one child behind; it leaves 4.6 million children behind, and a disproportionate number of them are African American and members of other minorities.

The President's budget also makes deep cuts in afterschool programs despite strong evidence that good afterschool programs keep children safe and help them academically. It provides less than half the share of special education costs the Federal Government committed in 1975. It slashes career and technical education. It eliminates dropout prevention programs. Despite promising during the campaign of 2000 and again last month in the State of the Union Address to raise the maximum Pell grant by \$1,000, the President's budget actually freezes Pell grants next year for the third year in a row. Three years ago, the maximum Pell grant paid 42 percent of the average annual cost of attending college. Today, it covers only 34 percent.

The President's neglect of education and his repeated refusal to fund even his own educational plan is hurting America. It is hurting African-Amer-

ican and other minority children disproportionately. This is not a partisan criticism. Republican legislators in Arizona and Minnesota have introduced bills that would allow their States to partially opt out of No Child Left Behind. They consider it an unfunded mandate.

Legislatures in at least 10 other States have adopted resolutions criticizing the law and seeking waivers from parts of it. In Utah, a Republican-dominated House has voted not to implement No Child Left Behind unless Federal funds are provided adequately. States are being put in a horrible bind: Accept huge, costly, unfunded mandates or give up tens of millions of dollars or more in Federal education aid, much of which is intended and which works to close the achievement gap.

Brown v. Board of Education is one of the most inspiring chapters in our Nation's history. It gave all American children the promise of equal educational opportunity and the No Child Left Behind Act reaffirmed that promise in principle, but the promise is hollow unless we fund it. When the Senate debates the budget resolution, we will be offering amendments to fully fund the No Child Left Behind Act and to make other critical investments in education and training.

It is important we remember our history. It is also essential that we keep our promises and invest in our future.

I yield the floor.

RESERVATION OF LEADER TIME

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

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1805, which the clerk will report.

The assistant journal clerk read as follows:

Motion to proceed to the bill (S. 1805) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided between the Senator from Idaho, Mr. CRAIG, and the Senator from Rhode Island, Mr. REED, or their designees.

Who seeks recognition?

The Senator from Idaho.

Mr. CRAIG. Mr. President, the leader has obviously taken time. We thought we were going to have an hour on each side. Is the vote still scheduled for 10:30, or does the leader's time count in that?

The ACTING PRESIDENT pro tempore. The vote will be at 10:30. The time has been reduced proportionately.