

that regardless of the differences that may divide this body on a given day, we will emerge united as a Senate and united as a Nation.

As columnist George Will noted, we are "a nation defined by our unum, not our pluribus."

Yet, tragically, for much of our Nation's history, millions of African-Americans were excluded from fully participating in our democracy—first by slavery, and later through a system of State-sponsored segregation.

This system of legalized segregation was sanctioned by the Supreme Court case *Plessy vs. Ferguson* and its doctrine allowing for "separate, but equal" public accommodations, including schools.

It is with some pride that I note that a Kentuckian, Associate Justice John Marshall Harlan, was the lone dissenting voice on the Court in the *Plessy* case. In his stinging dissent, Justice Harlan argued:

Our Constitution is color blind and neither knows nor tolerates classes among citizens . . . the destinies of the two races are indissolubly linked together, and the interests of both require the common government of all shall not permit the seeds of race hate to be planted under the sanction of the law.

Justice Harlan also noted, "the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* case"—referring to the case right before the Civil War.

Justice Harlan's words proved prophetic as more and more Americans grew to understand that a nation forcibly separated by law could never fully realize its destiny as a beacon of freedom, nor truly live up to its motto, "E Pluribus Unum."

By denying African-American children the equal opportunity to attend the same schools as their fellow citizens, States denied these children the opportunity to fully participate economically, socially, or politically in our society as adults.

Fifty years ago this morning, the Supreme Court agreed when it ruled in favor of the plaintiffs in *Brown vs. Board of Education of Topeka*. Simply, yet eloquently, a unanimous Supreme Court found, "We conclude that in the field of public education the doctrine 'separate but equal' has no place. Separate educational facilities are inherently unequal." The Court later directed the States to move forward with desegregation "with all deliberate speed."

In 1954, Kentucky had already begun taking the first small steps towards integrating the State's schools. While the State's elementary and secondary schools remained segregated in 1954, Kentucky had begun chipping away at our state's infamous 1904 "Day Law," which mandated racial segregation in public education.

On the day following the decision, the Louisville Courier-Journal noted, "The Supreme Court, in a decision marked by reason and restraint, has enunciated a doctrine of morality."

Madam President, it is fitting and appropriate that we mark the 50th Anniversary of the *Brown* decision. However, we must also understand that while *Brown* opened the schoolhouse doors to all children, it could not guarantee that every child, regardless of race, receives a high quality education.

That task has been left to the generations that have followed.

In the years since, educators have documented an unsettling and persistent achievement gap between minority and non-minority students. A similar gap exists between poor and non-poor students.

For example, in my home state of Kentucky minority students are much less likely to read proficiently at grade level than their non-minority counterparts. Similar results have been documented nationally.

For decades, the Federal Government spent countless billions with the goal of eliminating the achievement gap but without demanding any real accountability for improving results. Since no results were demanded, none were forthcoming.

From 1965 to 2001, the Federal Government spent more than \$150 billion to address the achievement gap. Total education spending doubled during that period from 1965 to 2001, even after accounting for inflation. Yet during most of this period, reading and math scores remained flat. If funding were the problem, we would have solved the achievement gap years ago.

During this period too many Americans came to accept the achievement gap as the inevitable result of a student's environment or believe the erroneous claim that a certain percentage of students will not ever be able to meet even basic standards in reading and math. All too often, schools just passed these students along from grade to grade through social promotion policies. While the schools may not have failed students on their report cards, they failed to prepare them for life's challenges.

In his 2000 Presidential campaign, then-Governor Bush described this mistaken attitude as "the soft bigotry of low expectations." Following his election, the President moved quickly with leaders in both parties to attack the achievement gap and enact the No Child Left Behind law.

This historic legislation is grounded in the simple principle that every child can learn and that no child should be left behind. It recognizes the fundamental importance of reading for all children. As the President has explained, "Literacy is liberation. . . . The ability to read is what turns a child into a student. First we learn to read, and then we read to learn."

The law sets high standards for all groups of students, and then holds schools accountable for improving academic achievement across the board. For the first time, the No Child Left Behind Act requires States to examine not only an entire school's progress but

also the progress of subgroups of students within a school to make sure we do not give up on any child, regardless of their color, language, or economic circumstance.

If any of these subgroups is not meeting the school's goal of adequate yearly progress, then the whole school has failed to meet its goals. The days of spending and education without accountability are over. Setting high standards for all our students is critical to ensuring that every single child receives an equal opportunity for a quality education.

In writing for the unanimous court in the *Brown* decision, Chief Justice Warren noted:

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

Those words were never more accurate than they are today. While we mark the 50th anniversary of the historic *Brown* decision to opening America's schools to all children, we must also remember that ensuring every child receives a quality education is the ongoing responsibility for each generation of leaders that follows.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair. Madam President, I certainly agree with my friend from Kentucky that there is nothing more important than for us to ensure that our education system is accountable, is working well, and is fair to all students.

CONFERRING THE HIGHWAY BILL

Mr. THOMAS. Madam President, I wish to take a moment to talk about another topic that I think affects us all. I just came back from my home in Wyoming. I heard a great deal of conversation about highways and the highway bill and the fact that we have not yet been able to pass a highway bill, both in the House and the Senate, and get together. The highway bill, of course, under which we have lived for the last 6 years, has expired, and we are doing a month or two extension of time. The fact is, that does not work very well. With some issues I suppose we could continue to do extensions. Building highways and upgrading highways is all done by contracts. The people responsible for highways need to know what their resources are going to be into the future so they can make those long-term decisions for highway construction contracts. We are unable to do that now.

The highway bill is one of the issues before us that is time imperative. The Environment and Public Works Committee, of which I am a member, has the primary responsibility for putting out a highway bill. We worked on it for a long time. We brought a bill to the floor, and it was passed by this body. It is a very good bill. It is a larger bill

than the one that passed out of the House, and it expends more money than the bill from the White House. The fact is, it is based on the money that is available, that is paid in taxes for highways.

We find ourselves in a strange situation. One of the issues about which all of us continue to be concerned, with a good deal of success, I might add, is working on creating jobs. There is no short-term passage of any bill that would provide more jobs than the highway bill, and these are contracting jobs, of course, in the private sector. It would be helpful for us in terms of getting those jobs in place.

The other is infrastructure. Again, there is nothing more important to the overall economy. Think about what it means in each of our lives, whether it is simply driving home, whether it is the business you are in, whether it is moving products all around the country. All we do is impacted by transportation and by highways.

It seems that this issue of highways is more imperative than most anything before us, and yet we have not been able to move it and get it out where it belongs—out to the States.

I am becoming more and more concerned about the fact that the Federal Government is getting itself involved in a lot of issues that should not be the focus or the role of the Federal Government. I am going to start pressing to see if we cannot develop a criteria as to what the role of the Federal Government ought to be. That is sort of what the Constitution does, but we stretched it out. In fact, I am gathering up a list to talk about one of these days of all the various funding programs in the Federal Government. All of us will be amazed when we see the numbers and the size of the book involved in listing all those programs.

Nothing could be more a function of the Federal Government, since the Federal Government charges a tax on every gallon of gas that we buy, than building an infrastructure system across the country, much of it Federal interstate highways. It is clearly a role for the Federal Government and one for which we are responsible.

As we do that, we need to allow the priorities to be set by the States. I do not agree with the House procedure of assigning all the different specialties before it goes out of here, but rather we ought to decide the formula for the allocation among the States and let the States then set their priorities, along with the Federal Government on Federal highways.

Obviously, highway systems perhaps in some ways are more important in rural States, such as Wyoming where we have one of the lower populations but have more road miles than any other State. So highways become very important. In other words, when those of us who work in Washington, DC, have to face the traffic, that becomes very important as well. In different ways, all of these needs are out there.

We have an opportunity to do a great deal. We have the bill ready to go, but we cannot get the bill to conference so that we can begin to work out our differences.

As I mentioned, there are differences among the Senate, the House, and the White House, but that is not the first time that has ever happened. There is a system for putting that together. The system is a conference committee.

We cannot seem to get the contractors. The State workers and local governments deserve to be able to move forward and deserve to have a final bill out so those decisions and that movement can be made and so those jobs can be created and our system can be strengthened.

The conferees need to be appointed so we can get on the bill. That is all that is necessary now. I know some of us would like to have things differently. Naturally, there are disagreements on bills of this kind, particularly when getting into formulas for the distribution of dollars, but that is true with almost everything and that is what conference committees are for.

So we can move forward with that. The benefits that could come from it are second to none.

Pretty clearly, we have to continue to have improvements in the system. We find ourselves with more congestion. As time goes on, we will find ourselves with more safety problems. We need to do these things, as well as stimulate the economy.

So we need this bill. We need it for safety. We need it for the country. We need it for the energy. We need it to be able to conserve energy by having more efficient highways. We need to move forward on a number of the things that are there.

Unfortunately, we have some obstruction going on on the floor. Much of it has to do with seeking to make a point about the election that is coming up. Obviously, caring about elections and politics is not a brandnew thing, but we ought not to have obstruction to moving forward with a system that has been in place for years, a system that does work, a system that does reconcile differences which we always have.

We are held up on the energy policy, one that is very important to us. We are held up on class action reform. We are held up on asbestos legislation. We are held up on the approval of qualified judges. We are held up on medical liability protection. All of these issues are so very important. So it really hits home to us when we find ourselves in this situation.

As we go about talking to people at home, health care insurance, medical liability being part of that, is one of the issues we hear about, as well as the idea of improving education and highways. Those are the issues in which people are interested.

So I urge that we move forward with the system. We have done the work we have to do. In order to get it com-

pleted, we have to move on to a conference. We have to move on to reconciliation with the House and with the White House. It is just the system. There is just no reason to hold it up. We need to move forward, and we need to move forward quickly. So I hope we can do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. TALENT. Mr. President, I ask unanimous consent that the time spent in the previous quorum call be charged equally to both sides, and all other quorum calls during today's morning business period be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri.

BROWN V. BOARD OF EDUCATION

Mr. TALENT. Mr. President, I wish to take a few moments today—at least a few moments are justified—in offering some words to help the Nation celebrate the Brown v. Board of Education decision that occurred 50 years ago. It is a good thing we remember and honor that decision. That case was the culmination of a strategy by the NAACP and others that attacked racial segregation at its heart and, by the way, also a decision that redeemed the Supreme Court's record in cases of this kind because we should not forget the Court had earlier placed its imprimatur on slavery in 1856 in the Dred Scott decision and had subsequently placed its imprimatur on the Jim Crow decision in Plessy v. Ferguson in 1896. It was, indeed, time in 1954 for the Supreme Court to stand up for the Constitution and live up to the promises of the Declaration of Independence, specifically the promise that all of us are created equal, at least in this sense: that we are equal in our right to enjoy the inalienable rights that Almighty God gives us simply by virtue of the fact that we are people and have human dignity.

The history of the United States is, in one sense, a history of a progressive realization of that promise that in fact had been made in theory in the Declaration and also an understanding by the American people that unless that promise is realized and enjoyed by everybody, it is secure for nobody. Brown v. Board of Education was a milestone in that realization.

I do want to make the point that the Supreme Court's decision in Brown was not an isolated act of courage by nine Justices, although it was certainly a