

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 specialities 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

courageous decision. It was, as I said before, the culmination of a strategy by the NAACP, but also years of advocacy by that group and other groups around the country and thousands of Americans on their own who refused to accept the assumptions underlying racial segregation and, indeed, refused to let the American people go on year after year quietly and in an unthinking way accepting those assumptions.

That activity by thousands and thousands of people in protests, in op-ed pieces, in books they wrote, in appearances on mass media, and just the way they conducted their day-to-day lives changed public opinion, by no means entirely in 1954 but enough so that the *Brown v. Board of Education* decision became possible, in a way that it would not have been possible—clearly was not possible in 1934 or even 1944.

The same Supreme Court, staffed by the same nine Justices, would not and did not issue a decision such as *Brown v. Board of Education* 20 years earlier or 10 years earlier because those people had not yet done enough of their work to move enough of the American people toward the right conclusion that that decision became possible.

In that sense, I suggest that people such as Jackie Robinson and others around the country probably did more to desegregate the schools than the Supreme Court did in *Brown v. Board of Education*, and certainly people such as Rosa Parks and Dr. Martin Luther King did more to ensure the implementation in practice of the *Brown v. Board of Education* than the Federal courts did.

I want to dedicate this day on which we justly celebrate the decision to the thousands of people, some who are recorded in history and some who have remained anonymous, who made that decision possible and helped correct a tremendous injustice and redeem America's honor before the bar of history.

The Supreme Court, in *Brown v. Board of Education*, changed laws, and that is hard, as we know in the Senate.

Those other folks, in standing up for the rights of their fellow citizens, changed hearts, and that is even more difficult.

Ms. MIKULSKI. Mr. President, today I rise to commemorate the 50th Anniversary of *Brown v. Board of Education*. Today, we celebrate the historic and unanimous Supreme Court decision that called for an end to racial segregation in schools throughout the nation. And as we honor those individuals who risked so much to challenge discrimination and establish a constitutional right to an equal education, I am filled with both hope and promise. Hope that the legacy of *Brown* will endure. Hope that equality and opportunity will soon be the reality for millions of school children who today still face segregation and inequality in their schools. And the promise that today we will renew our commitment to achieving the goal of equality that began 50 years ago with the *Brown* decision.

I am so proud to honor today the important role that the great state of Maryland played in this history of *Brown*. Maryland is the birthplace of Thurgood Marshall, the architect of the blueprint to end racial segregation in education. Thurgood Marshall grew up and attended racially segregated schools in Baltimore, he knew the impact of segregation first hand, and he took the fight for racial justice all the way to the Supreme Court. His thoughtful and strategic legal arguments were instrumental in knocking down racial segregation in our country. Maryland is also the home of the National Association for the Advancement of Colored People. Founded in 1909, the NAACP successfully fought to integrate the University of Maryland in 1935 and its leaders painstakingly planned and organized the challenge to racial segregation in public schools.

*Brown* marks a momentous beginning in American history. For the first time, the Supreme Court recognized a constitutional right to an equal public education for all students. And for the first time, the Supreme Court recognized that separate can never be equal. *Brown* is the foundation on the road to dismantling segregation in our society. The fight for equality started with the schools and progressed through the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968—all critical steps to rid the nation of segregation and disparities it fostered. Yet 50 years later we're still a long way from the promise of *Brown v. Board of Education*—equality in public education and opportunity for all students.

Why was the *Brown* decision so important? Because the Supreme Court said that regardless of race, color, creed or ethnicity education "is a right which must be made available to all students." The *Brown* Court took the unprecedented step of examining how African-American children were being educated and the environments that they were learning in. And for the first time the Court used social science research to show that learning is compromised by segregation—and as a result Black students were receiving inferior educations. It was clear that poor schools, which invariably lacked resources, resulted in a lower quality of education for Black students than their white counterparts. Most importantly, the *Brown* decision, with a mighty hand, challenged Americans to confront the discrimination, segregation and inequality that existed in schools and in their communities.

Today, I urge Americans to renew that challenge. We must address the growing disparities in our schools and the re-segregation of students of color in our classrooms. Even a quick glance at our Nation's schools, including schools in Maryland, shows that the promise of *Brown* has not been realized. We know that students are still segregated—and that schools still are not equal. Students of color and poor

students are more likely to be in overcrowded schools, without enough books and computers, in buildings that are often literally falling apart. They are often sidelined into special education classes—when what they really need is special attention.

I don't want the quality of education to depend on a family's income or the location they live in. As the *Brown* Court understood, having adequate resources and decent facilities matters. We need to make sure we have a public school system that works. That means smaller classes, a good teacher in every classroom, and making sure schools have resources to meet special needs—like bilingual education and special education. We need to keep fighting against the soft bigotry of low expectation.

Today, as we commemorate the *Brown* decision and the progress that has been made in the past 50 years, we renew our commitment to increase diversity and provide educational opportunities for all children regardless of race, ethnicity, socioeconomic status. We must stand up for what America stands for: opportunity, equality, and empowerment. We must make sure there is no discrimination of any kind, anywhere in the United States of America—whether it is the old fashioned kind or the new fashioned kind. That means saying no to continued racial discrimination in education, and saying no to racial sidelining: pushing children of color into special education. *Brown* established education as a right to all students. We must continue to fight to protect that right, to make sure that the promise of an equal education is, in fact, a reality for all school children.

Ms. STABENOW. Mr. President, 50 years ago, a third grade girl named Linda walked a full mile each way to school, crossing through a dangerous railroad switchyard to do it. Only five blocks from her home was a very nice local school, but when her father petitioned for her admission, he was denied.

Why?

Because she was not white.

Fortunately, her father would not give up, and because of his tenacity, 50 years later, we can celebrate the landmark decision of *Brown v. the Topeka Board of Education*.

Since Thurgood Marshall argued his most important case involving over 200 plaintiffs in front of the same bench that he would later sit on, we have made great strides.

We have done away with the ridiculous idea that separate could ever be equal. We have legalized desegregation. Colleges and universities are becoming increasingly more diverse as parents who did not attend college are now able to send their children to institutions of higher education.

But there is so much more still to do. Until children of all backgrounds receive the same quality of teaching, have access to the same quality of

learning resources, and graduate from high school and secondary education at the same rate, our work is not finished.

Despite the Supreme Court's declaration in that landmark decision that education "is a right which must be made available to all on equal terms," our country still remains far from providing an equal education to all.

Fortunately, I know we have the ability to change this and to ensure all children a first-rate education. We are the greatest and richest country in the world. We have the ability to make sure that our elementary and secondary schools are the best in the world.

We also need to make sure the doors to higher education remain open for all. We have the best universities and colleges in the world, and students from all over the globe dream about attending college in the U.S.

The result of the University of Michigan case went a long way towards keeping the hope of higher education open to all Americans. While the Brown case defined our parents' era, the current generation's battle is to move beyond the legalization of desegregation and make sure it actually happens, with the help of affirmative action.

I am pleased the Supreme Court upheld the efforts of the University of Michigan to promote diversity in university admissions. Education is the most effective tool and the critical first step to empowerment. Education is the tool that allows students to comprehend the world around them, and provides them the know-how to provide themselves with a superior quality of life.

We need to keep it going. Marian Wright Edelman, founder of the Children's Defense Fund and the first woman admitted to the Mississippi bar, once remarked, "A lot of people are waiting for Martin Luther King or Mahatma Gandhi to come back—but they are gone. We are it. It is up to us. It is up to you."

She is right. It is up to us to continue Dr. King's, Mr. Brown's, and everyone's journey for full equality.

Mrs. MURRAY. Mr. President, today marks the anniversary of one of the most important milestones in American history. Fifty years ago today, on May 17, 1954, the United States Supreme Court ruled unanimously in *Brown v. Board of Education* that separate was not equal in our schools.

This landmark ruling established the principle of equality in our laws and launched a national wave of racial integration and progress toward racial equality. We are all familiar with the laws that have been erased from the books, mandating separate and inferior facilities, services and treatment for African Americans. Americans can be proud that we have made progress against the evils of segregation. Today African Americans can live in any neighborhood they want, send their children to integrated schools, eat,

drink, read, sleep, travel and enjoy recreation and entertainment in all the places every other American can.

These changes mark major progress, but the road to equality has never been quick or easy. James McClinton, the new African American mayor of Topeka, KS where the Brown case originated, was quoted recently in the Washington Post noting that the legacy of the decision is both fragile and incomplete. Just a year after the Brown decision, the Supreme Court issued another case known as *Brown II*, which led many school districts to drag their feet for years before integrating. We all remember when President Eisenhower had to send the military to Central High School to protect its first African American students, and the sacrifices African American students made to attend formerly all-white colleges and universities. The truth is, we still have a long way to go. Today is a day to celebrate the progress we have made, and the breakthrough *Brown v. Board* represented for racial and educational equality in America. But we cannot afford to just rest on our accomplishments since 1954. We must also look forward to 2054, and ask ourselves what opportunities we want our children and grandchildren to have then, and what they need us to do now to achieve those goals.

In 2004, African American students—as well as their counterparts in the Hispanic and Native American communities—are not performing as well as white students in our schools. I want to cite some statistics to paint a clear picture of what is going on in our schools. We first must wake up to the established, continuing and disturbing trend of resegregation. Studies have found that our schools have reached their peak of integration and now may be moving back to becoming resegregated. As we commemorate the Brown decision, we cannot afford to ignore this continued segregation. The National Assessment of Educational Progress found that while 74 percent of white fourth-grade students were good readers, barely half that many—39 percent of black fourth-graders earned the same designation. We have school buildings in disrepair and overcrowded classrooms, which not only makes teaching difficult, but sends minority and low-income students a powerful message that we do not value them or their education. Minority students are also much more likely to be in special or remedial education. In 1994, 31 percent of African American, 24 percent of Hispanic and 35 percent of Native American high school graduates took remedial classes, while only 15 percent of white and Asian American high school graduates did. Minority students make up 40 percent of our school-age population but just 14 percent of their teachers are minorities. According to the Leadership Conference on Civil Rights, white students are significantly more likely to have access to advanced academic programs than mi-

nority children and children with disabilities in the same school district, regardless of how wealthy or poor the district is. Our national high school graduation rate is an inadequate 69 percent, but when you dig deeper you learn that we are graduating barely half our minority students in this country—just 53 percent of Hispanic students, 51 percent of Native American students, and 50 percent of African American students.

It should surprise no one that if minority students don't perform well in high school, they will perform less well in college. As of 1999, white students were literally twice as likely as Hispanic and African American students to earn a Bachelor's degree. Both minority groups are underrepresented on America's college campuses. Not only is there a racial achievement gap, but that gap has actually widened in the last generation. In the 28 years from 1971 to 1999, the proportion of white high school students who earned at least a Bachelor's degree increased 13 points, to 36 percent. The proportion for African American students increased 5 points to 17 percent, and the share of Hispanic students rose 4 points to 14 percent. Imagine the larger social and economic consequences of these populations not going to or graduating from college, especially when our racial diversity is growing rapidly. We all know that you will earn a lot more money if you have a Bachelor's degree, and that American economic competitiveness in a globalizing economy depends on high-skill, high-wage jobs. We need to keep up our efforts to make sure that the color of someone's skin does not determine their opportunity to succeed.

If we are to ensure that children of color have an equal opportunity to go to college, get their degree and achieve the American dream, we must address the academic deficiencies in our high schools. Roughly half our minority students are graduating from high school, which means that nearly half are also dropping out. The No Child Left Behind Act, which I supported, requires for the first time that much of the academic achievement data we collect on our schools be separated, disaggregated, by race, students with disabilities, limited English proficiency, and students from low-income families. This step forward is critical to track achievement gaps and their trends over time. Disaggregated data is an important tool we need to target assistance and resources to reduce and eliminate racial achievement gaps. Yet currently the Department of Education is not requiring disaggregation of data on dropouts. This information is critical if we really want to reduce dropout rates and improve graduation rates for all students. I strongly urge Secretary Paige and the Department of Education to report disaggregation of dropout data.

We also know from numerous studies that the gaps between test scores of

low-income and middle-income students could be eliminated if all students had highly qualified teachers. If fully funded, the No Child Left Behind Act would put highly qualified teachers in all our classrooms, but, unfortunately, an amendment I offered on the budget resolution earlier this year to fully fund the Act, failed on a party-line vote. But even when No Child Left Behind is fully funded, as I hope it is next year, our work will still not be done with regards to our high schools.

That is why last summer I introduced S.1554, the Pathways for All Students to Succeed—PASS, Act. The PASS Act seeks to eliminate dropout, achievement and graduation gaps among our high school students. The PASS Act does three things. First, it will help students learn to read and write by providing \$1 billion to help schools hire literacy coaches. Second, my bill ensures students are taking the classes and getting the support they need to finish school. It provides \$2 billion for academic and career counselors to ensure students have a personalized plan for completing high school and going on to college. Finally, my bill provides extra help to schools that need it most. It provides \$500 million in grants to help improve low-performing schools improve. I hope that the Senate will pass this bill this year.

The *Brown v. Board* decision was a momentous achievement for our Nation, and I am honored to mark its 50th anniversary today. At the same time, we must take the momentum of this celebration to fulfill the promise of *Brown* by ensuring that all our children have access to the highest quality education worthy of our great Nation.

Mr. GRAHAM of South Carolina. Mr. President, I rise today in honor of the fiftieth anniversary of the Supreme Court decision of *Brown v. Board of Education* which declared separate but equal unconstitutional. I believe that ensuring that our public schools are open to everyone is a great equalizer in America.

I will soon be turning 49, and I know that having an integrated school system has enriched my generation by allowing all of us in South Carolina to learn, socialize, and compete together in a public school setting.

The brave men and women who fought to end the segregation of public schools have done a great service to South Carolina and our nation. It is appropriate they be honored accordingly and all of us should commit ourselves to build upon their legacy.

I join you and my colleagues in the U.S. Senate in commemorating this historic decision.

Mr. LUGAR. Mr. President, today marks the 50th anniversary of *Brown v. Board of Education*, a U.S. Supreme Court landmark decision that sent shockwaves through the educational establishment. For the first time, the highest court in the country decided that "separate educational facilities are inherently unequal" and a violation of the 14th Amendment.

Before *Brown v. Board of Education*, Indianapolis Public Schools had been forced by State law to scrap separate black and white schools. That change, however, did not necessarily result in integrated classrooms. Segregated communities left most of our schools racially homogeneous.

It was in this environment that I was elected to the Indianapolis Public School Board in 1964. Like much of the country, Indianapolis was experiencing the civil rights movement, and the Indianapolis Public Schools were in the middle of it all.

Our meetings were picketed and protested, and citizens staged "sit-ins" at the downtown headquarters. The U.S. Supreme Court had ruled on May 17, 1954, that separate but equal could not stand; yet in the 10 years that followed, IPS had not done much to integrate its schools.

To further the discussion, and to seek input on what would later become known as the Shortridge Plan; I held neighborhood meetings in school buildings around Indianapolis to discuss ideas for peacefully integrating the city schools. At one such meeting on the near Westside, participants literally picked up the furniture and threw it at each other. The police had to be called to restore order.

Later, the Shortridge Plan was adopted by the board, but not enthusiastically. Under the Shortridge Plan, IPS was to establish a college preparatory high school that would voluntarily draw the best and the brightest from all over Indianapolis, regardless of race. Some board members, and the community at large, saw this step as far too disruptive. Those individuals felt that the school board should not be involved in matters of race and sociology.

The plan worked because young Hoosiers responded. Before the plan was implemented, Shortridge was 90 percent African American, 10 percent Caucasian. The racial makeup of the applicants to the first entering class under the new plan was astounding: 53 percent Caucasian, 47 percent African American. In a year, the school became a national example of how young African American and Caucasian students could through their own individual choices come together to learn and study.

Unfortunately, in my second year of service on the board, polarization set in. A majority of the Board no longer felt that we should be involved in questions of race. In an election for president of the board, I lost 4-3. The issue of race, however, could not be avoided. Years later, the Federal courts implemented an involuntary busing system that forced our schools to seek some racial balance.

*Brown v. Board of Education* set us, and the rest of the Nation, on an important path. While the Court opinion outlawed the notion of "separate but equal," it persuaded us to address the larger issue of living together as one

society. *Brown v. Board of Education* helped us to become a better Nation. But we still have much work to do.

Today, we face a different type of segregation; namely, the gap between those who receive a quality education and those who do not. The gap in reading achievement between blacks and whites is staggering nationally. It is 28 percentage points at the 4th-grade level. The gap in reading achievement between Hispanics and whites is also alarming nationally, 29 percentage points at the 4th-grade level. We are experiencing two education systems—separate and unequal. This is unacceptable.

The Federal Government's first major entry into public education was in 1965 when the Elementary and Secondary Education Act was passed to provide Federal aid to school districts with large percentages of children in poverty. The intent was to help level the playing field—to give extra aid to those children most in need. Despite a discretionary funding amount of \$55.6 billion in fiscal year 2004, increased from \$35.6 billion in 2000, achievement gaps have remained wide.

To help close these gaps and to help ensure that all children have an equal opportunity to learn, Congress and the Administration worked together to pass the No Child Left Behind education reform act in 2002.

Under No Child Left Behind, States must describe how they will close the achievement gap and make sure that all students, including those who are physically disadvantaged, achieve academic proficiency. In addition, they must produce annual State and school district report cards that inform parents and communities about State and school progress. Schools that do not make progress must provide supplemental services, such as free tutoring or after-school assistance. If corrective actions do not yield adequate progress after 5 years, schools must make dramatic changes in the management.

The idea is not to establish Federal control over the schools, but simply to push States and local school districts to take a hard look at each school's strong and weak points.

In many schools, an overall high performance has often hidden a weak performance by some student sub-groups. Because of this dynamic, the act requires that each sub-group be reported separately. Overlooking the fact that only one in six African Americans graduate with proficient reading skills is simply not acceptable.

Some have complained about the increased focus on school testing. But if we want each child to earn a meaningful high school degree, testing in lower grades is an important tool to reveal the strengths and weaknesses of each school. Testing allows schools to learn which students need help and what subjects must be taught better.

We all have the same goal—to improve our schools. All students must have the opportunity to get ahead, regardless of race or residence. On May

17, 1954, the U.S. Supreme Court unanimously declared that separate but equal could not stand as the law of the land. It is our job—50 years later—to make sure that we are faithful to this principle of equal opportunity. The success of all of our children and the economic future of our country depend on our determination.

Mr. FEINGOLD. Mr. President, I speak today on the 50th anniversary of the U.S. Supreme Court's landmark decision, *Brown v. Board of Education*. I join with all Americans in celebrating this decision, which, in many ways, inspired the modern civil rights movement.

In *Brown*, the Supreme Court upheld the right of all children to an equal education in our public schools. In its unanimous opinion, the Court stated “[w]e conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” With these historic words, the doors of public schools were required to be opened to all children, regardless of their race, and efforts to end segregation in other aspects of American society gained momentum.

The slow integration of our public schools has been a difficult and sometimes painful process, with some clinging to any mechanism by which this process could be slowed or circumvented. The promise of children of all races and backgrounds coming together to study and to prepare for their futures has too often been clouded by the prejudices of adults. And while great strides have been made in the last 50 years, much work remains to be done to ensure that the phrase “separate but equal” is at long last relegated to the history books.

One of the most serious challenges facing public schools today is the No Child Left Behind, NCLB, Act, which includes a Federal testing mandate that has become an added burden for students and school districts.

Wisconsinites are concerned about this additional layer of testing for many reasons, including the cost of developing and implementing these tests, the loss of teaching time every year to prepare for and take the tests, and the extra pressure that the tests will place on students, teachers, schools, and school districts.

Instead of piling more tests on public school students, concerned parents, teachers and school administrators want to know when the Federal Government is going to provide the funding it promised for education programs. While I have worked with many of my colleagues in the Senate to provide more of this funding, Congress still falls far short of providing the resources that students need. And schools are left to face mandate after mandate without the funding that they need to carry those mandates out.

No Child Left Behind not only adds to that list of Federal mandates, it also can impose harsh sanctions on schools

that do not meet yearly goals, even though the programs that would help students and schools to meet those goals are not fully funded. Lagging test scores at a given school may mean that the school is labeled as “failing,” which can have serious, negative consequences for a school that may already be struggling.

I support a bill introduced by my colleague Senator DURBIN, which takes a different approach to the issue. This legislation seeks to ensure that schools get the funding they need to implement the mounting Federal mandates they face. The bill sets a minimum amount of funding that the Federal Government must provide for the Title I program, which supports programs for low-income and disadvantaged students. If a school doesn't get the minimum funding, it shouldn't be subject to the penalties that schools can receive under the NCLB law, and the Durbin bill would exempt schools from sanctions in any year that Title I is not funded at this minimum level.

As we saw when nationwide test results came in last fall, the legacy of *Brown* will not be fulfilled until we can close the gap on the racial disparities that persist in test results and also in graduation rates. Nor will education truly be equal for all students as long as we underfund special education programs and other programs critical to supporting students who are struggling to succeed in the classroom.

If lagging test scores prove that too many children are being left behind, the answer isn't to label them as failures. We must give those students the resources they need to succeed in school. Congress and the administration must do more to ensure that schools have the resources to help these students catch up with their peers before students are required to take additional annual tests required under the No Child Left Behind Act—tests that will have serious consequences for their schools. The legacy of the *Brown* decision is an education for all children on “equal terms.” Either we ensure that great legacy, or we fail the children who need our support the most.

The decision in *Brown* was one step in the continuing journey to America that Dr. Martin Luther King, Jr., dreamed would be “a nation where [his children] will not be judged by the color of their skin but by the content of their character.” A few years after the *Brown* decision, Congress began to do its part to combat inequality. It passed civil rights laws ensuring the right to vote to all Americans, banning discrimination in employment based on race, ethnicity, religion, national origin or gender, and prohibiting discrimination in public and private housing.

Our Nation has come a long way since 1954, but we still have work to do. Congress and the administration have a particular responsibility to advance the cause of freedom, justice, and

equality for all Americans. Congress and the President can demonstrate their support for freedom and justice by supporting civil rights initiatives that have been ignored for far too long.

Perhaps no issue on this agenda is more urgent than racial profiling. Racial profiling is the insidious practice by which some law enforcement agents stop African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, or national origin. Reports in states from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are being stopped by some police at rates far in excess of their share of the population and the rate at which they engage in criminal conduct.

I might add that the urgency for banning racial profiling is compounded by concerns post-September 11 that racial profiling—instead of good police work and following up on legitimate leads—is being used more frequently against Arabs, Muslims, or Americans perceived to be Arab or Muslim.

President Bush pledged to end racial profiling over 3 years ago during his first address to a joint session of Congress. Attorney General John Ashcroft also has acknowledged the damage caused by racial profiling and called for an end to the practice. It is time for the administration to move this effort forward.

Representative JOHN CONYERS, the distinguished ranking member of the House Judiciary Committee, and I have reintroduced our bill, the End Racial Profiling Act. Our bill bans racial profiling and requires Federal, State, and local law enforcement agencies to take steps to prevent the practice. This bill should be one of the top agenda items this Congress and the Administration should follow through on its promise to address this issue.

The vast majority of law enforcement agents fulfill their duties professionally and without bias and we are all indebted to them for their courage and dedication. Racial profiling is ineffective and undermines their efforts to serve and protect all Americans.

In addition to passing the End Racial Profiling Act, Congress and the President should also address a range of civil rights-related issues in this Congress—from education, to welfare, to a fair wage for an honest day's work, to improving our criminal justice system.

Congress should do more to ensure that federally funded programs comply with civil rights and other laws. In particular, we must improve the Federal welfare law to require that each State's program treats all applicants and clients fairly. While Congress rightly encouraged state-level innovation with the 1996 welfare law, we should use the pending reauthorization of that law as an opportunity to ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

Congress should ensure that all Americans get a fair wage for an honest day's work. Too often, parents work double shifts or more than one job for low wages in order to make ends meet and to provide the basic necessities for their families. We must at last increase the Federal minimum wage. We must work to close the wage gap between women and men.

Congress should also take action to ensure fairness and justice in the administration of the death penalty. We know that the administration of the death penalty at the Federal and State levels is flawed. With over 100 innocent people on death row later exonerated in the modern death penalty era, any reasonable person can see that the current system risks executing the innocent. That is why Congress should pass the National Death Penalty Moratorium Act. Congress and the President should support a moratorium on executions while a national, blue ribbon commission reviews the fairness of the administration of the death penalty.

Congress can also do more to protect hardworking Americans from discrimination in the workplace. We should pass the Employment Non-Discrimination Act. I have been pleased to join my colleague Senator KENNEDY in sponsoring this important bill that will ensure that Americans are not discriminated against by employers based on their sexual orientation. It is time that we take this step on behalf of equal opportunity and equal rights.

Congress should also take another step to ensure that all Americans have the right to vote and to be represented in their Congress. We meet today in a jurisdiction where over a half a million people are denied the right to fully participate in their Government. The majority of the people in this jurisdiction, the District of Columbia, are African American. Shutting them out of our Government is a continuing moral stain on our nation that must be addressed. We should take action on legislation sponsored by Senator LIEBERMAN and myself, under DC Delegate Eleanor Holmes Norton's leadership, to grant full congressional representation for the District of Columbia.

Congress and the administration must take concrete steps to protect Americans' civil rights.

As Dr. King said, "This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy."

Mr. President, let us make real the promises of democracy and of Brown—a nation with liberty, justice, and equality for all. Let's begin that work in this Congress, in this body, and let's begin now.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes.

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

Mr. ALEXANDER. Thank you, Mr. President.

#### PELL GRANTS FOR KIDS

Mr. ALEXANDER. Mr. President, a half century after *Brown v. Board of Education*, education on equal terms still eludes too many African-American schoolchildren. Secretary of Education Rod Paige has called America's persistent racial achievement gap "the civil rights issue of our time."

By the 12th grade, only one in six Black students and one in five Hispanic students are reading at their grade level. Math scores are equally as disturbing. Only 3 percent of Blacks and 4 percent of Hispanics test at proficient levels by their senior year. By another standard, about 60 percent of African-American children read at or below basic level at the end of the fourth grade while 75 percent of White students read at basic or above at the end of the fourth grade.

There is still a huge achievement gap among African-American children and White children. The No Child Left Behind Act's system of standards and accountability is creating a foundation for closing the gap. But funding disparities between rich and poor—too often minority children attend poorer schools—school districts remain a stubborn contributor to inequality. Between 1996 and 2000, poor students fell further behind their wealthier peers in seven out of nine key indicators, including reading, math, and science.

These outcomes cry out for a different model, one that helps address funding and equality without raising property taxes; that introduces entrepreneurship and choice into a system of monopolies; and that offers school districts more Federal dollars to implement the requirements of No Child Left Behind with fewer strings—in other words, more Federal dollars, fewer Federal strings, and more parental say over how the Federal dollars are spent.

Does this sound too good to be true? I would suggest it is not. Look no further than our Nation's best-in-the-world higher educational system. There we find the Pell Grant Program, which has diversified and strengthened America's colleges and universities by applying the principles of autonomy and competition. This year, \$13 billion in Pell grants and work study and \$42 billion in student loans will follow America's students to the colleges of their choice. This is in sharp contrast to the local monopolies we have created in kindergarten through the 12th grade education, where dollars flow directly to schools with little or no say from parents.

That is why I have proposed Pell Grants for Kids, an annual \$500 scholarship that would follow every middle- and low-income child to the school or other accredited academic program of his or her parent's choosing. These are new Federal dollars, so no district would see a cut in its share of Washington's \$35 billion annual appropriations for K through 12, and increases in funding for students with disabilities would continue. Armed with new purchasing

power, parents could directly support their school's priorities, or they could pay for tutoring, for lessons and other services on the private market. Parents in affluent school districts do this all the time. Pell Grants for Kids would give less wealthy families the same opportunities—an example of such a family are the Holidays in Nashville, TN.

Raymon Holiday is a sixth grader who recently won the American Lung Association of Tennessee's clean air poster contest. I was there when he won the 10-speed bicycle you get for winning this poster competition. I met his father, an art major, and his grandfather, a retired art teacher. They told me his great-grandfather was a musician. So you can see where Raymon Holiday gets his instincts. His grandfather, the retired art teacher, lamented to me that art classes are usually the first to go when school budgets are cut. With Pell Grants for Kids, a typical middle school of 600 students where Raymon might be 1 of 500 middle- or low-income students who qualify to receive a \$500 Pell Grant. His middle school would see a \$250,000 increase in funding. Raymon would be assured of art lessons.

The Pell grant model also encourages great American entrepreneurship. Enterprising principals, like Raymon's principal, might design programs to attract parental investment: advanced math classes, writing workshops, after-school programs, English lessons—whatever is lacking due to funding constraints.

Surveys continue to show that while Americans are concerned with the state of public education, most support their own child's public school.

Herman Smith, superintendent of schools in Bryan, TX, would welcome the \$6 million that would accompany 13,500 eligible Bryan students—90 percent of his district. Bryan is right next door to College Station, home of Texas A&M where, according to Smith, their budget cuts are larger than Bryan dreams of spending for new programs and personnel. Property values there are double those in Bryan, as is the per-pupil expenditure. Not surprisingly, Bryan's population is almost half African American or Latino, while College Station is three-quarters white.

With 30 million American schoolchildren eligible for Pell Grants for Kids, my fellow fiscal conservatives are probably raising an eyebrow. But please listen. Every year, Congress appropriates increases in funding for kindergarten through the 12th grade. What I am offering here is a plan to earmark most of these new dollars—aside from increases for spending for children with disabilities—for parents to spend on educational programs of their choice. Otherwise, we will continue to invest in the same bureaucracies that have disappointed poor and minority families for too long.

Pell Grants for Kids could be implemented gradually, starting with kindergarten and first grade at an initial