

## WAR ON PROLIFERATION

Mr. KYL. Mr. President, I ask unanimous consent that the column "An All-Out War on Proliferation" by Undersecretary of State John Bolton, which appeared in Tuesday's Financial Times of London, be printed in the RECORD. This piece clearly articulates the Bush administration's aggressive approach to stopping the proliferation of weapons of mass destruction. The success of U.S.-led nonproliferation and counterproliferation efforts over the last 4 years shows strong U.S. leadership on a global scale. It is also an illustration of just what we are able to accomplish through U.S.-led multilateral, concrete action, rather than through inefficient bureaucracies and toothless treaties.

I congratulate Undersecretary Bolton for his outstanding piece, and I strongly recommend it to my colleagues.

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

[From the Financial Times, Sept. 7, 2004]

AN ALL-OUT WAR ON PROLIFERATION  
(By John Bolton)

Some supporters of "multi-lateralism" prefer to talk about its glories in the abstract rather than take action in the here and now. The Bush administration's non-proliferation policies fall into the latter category. Rather than rely on cumbersome treaty-based bureaucracies, this administration has launched initiatives that involve co-operative action with other sovereign states to deny rogue nations and terrorists access to the materials and knowhow needed to develop weapons of mass destruction (WMD). Our policies show that robust use of the sovereign authorities we and our allies possess can produce real results.

The Bush administration is reinventing the non-proliferation regime it inherited, crafting policies to fill gaping holes, reinforcing earlier patchwork fixes, assembling allies, creating precedents and changing perceived realities and stilted legal thinking. The frontlines in our non-proliferation strategy must extend beyond the well-known rogue states to the trade routes and entities engaged in supplying proliferant countries. This can properly be described not as "non-proliferation", but as "counter-proliferation". To accomplish this, we are making more robust use of existing authorities, including sanctions, interdiction and credible export controls. Most importantly, we have taken significant steps to improve co-ordination between sovereign states to act against proliferators.

As we learned from the unravelling of the clandestine nuclear weapons network run by A.Q. Khan and from the Libyan WMD programme, proliferators employ increasingly sophisticated and aggressive measures to obtain WMD or missile-related materials. They rely heavily on front companies and illicit brokers in their quest for arms, equipment, sensitive technology and dual-use goods.

In his September 2003 speech to the United Nations General Assembly, George W. Bush proposed that the Security Council pass a resolution calling on member states to criminalise WMD proliferation, enact export controls and secure sensitive materials within their borders. The resulting Security Council Resolution 1540, unanimously adopted, achieved the president's goals. Rather than requiring years negotiating treaties and creating elaborate institutions, Resolu-

tion 1540 rests on the notion that sovereign states are responsible for writing and implementing laws closing the loopholes exploited by black market WMD networks.

Among the most prominent of this administration's counter-proliferation innovations is the Proliferation Security Initiative (PSI). We say that PSI is "an activity, not an organization," in this case an activity designed to halt trafficking in WMD, their delivery systems and related materials. In developing PSI, our main goal has been a simple one: to enable practical cooperation among states to help navigate this increasingly challenging arena. The initiative focuses on enhancing states' operational capabilities in the intelligence, military and law enforcement arenas. More than 60 countries gathered in Poland just over a month ago to mark PSI's one-year anniversary—and some notable successes. The interception, in cooperation with the UK, Germany and Italy, of the BBC China, a vessel loaded with nuclear-related components, helped convince Libya that the days of undisturbed accumulation of WMD were over, and helped unravel A.Q. Khan's network.

Another important administration initiative is the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, launched by the Group of Eight at its June 2002 summit. Here again, this effort relies on the commitments of sovereign states acting separately and in concert to secure sensitive materials. Like PSI, the Global Partnership is an activity, not an organisation. The G8 Leaders and 13 additional partners have pledged to raise up to Dollars 20bn (Pounds 11.3bn) over 10 years for projects to prevent dangerous weapons and materials from falling into the wrong hands.

The US already has non-proliferation projects under way not only in Russia but in Ukraine, Kazakhstan, Uzbekistan, Georgia and other former Soviet states, as do other Global Partnership countries. We recently began assistance in Iraq and Libya and are encouraging our partners to undertake their own projects in such states. At Sea Island this year, the G8 agreed to use the Global Partnership to coordinate activities in these areas.

This administration is working to make up for decades of stillborn plans, wishful thinking and irresponsible passivity. We're already late, but we are no longer bystanders wringing our hands and hoping that somehow we will find shelter from gathering threats. We are no longer lost in endless international negotiations whose point seems to be negotiation rather than decision, and no longer waiting beneath the empty protection of a reluctant international body while seeking grudging permission to take measures to protect ourselves.

Mr. Bush has begun laying the foundation for a comprehensive, root-and-branch approach to the mortal danger of the proliferation of instruments intended for our destruction. We are determined to use every resource at our disposal—using diplomacy regularly, economic pressure when it makes a difference, active law enforcement when appropriate and military force when we must.

We are just at the beginning, but it is an extraordinary beginning. Not only are we meeting this ultimate of threats on the field, we are advancing on it, battling not only aggressively, but successfully. And so we must, for the outcome of this battle may hold nothing less than the chance to survive.

BACK TO SCHOOL AND THE NO  
CHILD LEFT BEHIND ACT

Mr. FEINGOLD. Mr. President, as the Senate returns from its August recess

this week, students, teachers, and school personnel across Wisconsin and around the country are settling in for a new school year.

Each new school year brings with it the promise of things to come. Students will embark on new educational paths, with new subjects and teachers and, in some instances, new classmates. Some students are entering school for the first time, while others are beginning their middle or high school careers. And some are embarking on their senior years in high school and are preparing to make the transition into the next phase of their lives. All of these students, and their parents, are facing new challenges and new opportunities. We owe it to them to provide the resources promised by the Federal Government to support our States and local school districts.

Throughout our Nation's history, the education of our children has been viewed as a largely local and State responsibility, and the Federal Government has wisely left decisions affecting our children's day-to-day classroom experiences up to the schools, districts, school boards, and State education agencies that bear the responsibility for—and most of the cost of—educating our children. Historically, when the Federal Government has stepped in, it has been to ensure that children receive an equal opportunity for a good education by protecting the rights of all children and by providing additional resources for schools and for such related activities as teacher training.

Impact Aid, which was enacted in 1950 and is one of the oldest Federal education programs, helps local school districts to defray the costs of educating "federally connected" students, such as those who live on Federal land, which is not included in the local property tax base that funds elementary and secondary education. The National Defense Education Act of 1958, which was enacted in response to the Soviet launch of the Sputnik satellite, provided funding to improve math, science, and foreign language instruction in our elementary and secondary schools.

The landmark Elementary and Secondary Education Act of 1965, of which the No Child Left Behind Act is the most recent reauthorization, provided funding to support the education of disadvantaged students. That same year, Congress enacted the Higher Education Act, which has helped to provide millions of Americans with the assistance they need to pursue post-secondary education.

Also in 1965, the Office of Economic Opportunity created "Project Head Start," the predecessor of the current Head Start program, which is administered by the Department of Health and Human Services. Since its inception, Head Start has improved opportunities for low-income preschool children and their families by providing a comprehensive approach to addressing the

educational, nutritional, psychological, and other needs of these children and their families.

The Individuals with Disabilities Education Act of 1975 mandates that a free appropriate public education be provided to all children and promises that the Federal Government will pay 40 percent of the cost of educating children with special needs. Our public schools' efforts to serve students with disabilities are a hallmark of our national commitment to a free public education for all children. Since IDEA was enacted, public schools have helped students with disabilities to become more self-sufficient, to prepare for employment, and to learn the skills they will need to lead productive lives. America's public schools have led the way toward the full integration of individuals with disabilities into our national life.

The Federal Government has a long history of supporting local and State governments in their effort to provide a high quality public education for each child. I support these efforts, which rightly respect the importance of maintaining local control of education. For that reason, I opposed the No Child Left Behind Act, NCLB, which the President touts as one of his top domestic achievements.

While I think we all agree that schools should be held accountable for results, I and many Wisconsinites oppose the testing-centered mandates in the NCLB. I support some aspects of this law, such as funding for reading education and after-school programs. I opposed this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local school districts and states and mandates that students be tested in reading and math in grades 3-8 beginning with the 2005-2006 school year. This top-down, one-size-fits-all approach to testing is not good for Wisconsin students or schools. Washington does not know best when it comes to making decisions such as this. And it is troubling that the results of these tests are central to determining whether a school, district, or State is considered to be "in need of improvement" or "failing" academically.

It is also troubling that the corresponding Federal sanctions for schools deemed to be "in need of improvement" or "failing" will actually take badly needed money from those very schools. And these sanctions are being imposed despite the fact that the Federal Government has not provided the resources to help these schools succeed that were promised by the No Child Left Behind Act.

The President has called the No Child Left Behind Act "the most important Federal education reform in history." I respectfully disagree with the President's assessment of this law, the effects of which are beginning to reverberate throughout Wisconsin and throughout the country. As I travel around Wisconsin each year to host lis-

tening sessions in each of our 72 counties, I hear time and again from frustrated teachers, administrators, parents, and others about the negative effect that NCLB is having on education in Wisconsin.

I began to hear such comments more than three years ago when the President first proposed his education initiative, and this drumbeat of concern has increased as my constituents continue to learn first-hand what this new law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are concerned about the focus on testing that is the centerpiece of the President's approach.

In response to these concerns, I introduced with Senator JEFFORDS and others the Student Testing Flexibility Act, which would allow States and school districts that are meeting their adequate yearly progress, AYP, goals to waive the additional layer of testing required by NCLB, thus allowing them to maintain their existing testing programs. In addition, this bill would allow States to keep the Federal money allocated for developing and administering these new tests and to use that money to help those schools and districts that are not meeting their AYP goals. I am pleased that this legislation is supported by a wide range of Wisconsin and national education groups.

In addition, earlier this year I sent with some of my colleagues a letter to the chairman and ranking member of the Health, Education, Labor, and Pensions Committee requesting that the committee have a series of hearings on how the ongoing implementation of the NCLB is affecting schools and districts. We asked that these hearings focus on issues that are being raised by our constituents, including: the unique circumstances of rural and smaller school districts; the long-term effects that meeting the one-size-fits-all AYP provisions will have on students, schools, and school districts; the concern and likelihood that nearly all public schools may not be able to meet the goal of 100 percent proficient scores on reading and math tests by the 2013-2014 school year, even if those schools show a steady increase in student achievement each year; the NCLB sanctions structure; the effect that Federal funding that is well below the agreed-upon authorization levels for crucial programs such as Title I and special education is having on schools' ability to meet NCLB and State standards; the need for additional Federal funding for professional development, recruitment and retention, and for additional training for paraprofessionals, so that States and school districts can comply with requirements for having highly qualified teachers and paraprofessionals; the toll that preparation for the new federally mandated tests is having on, and will have on, the ability of teachers to spend time on innovative

and exciting approaches to instruction and assessment, the instruction time available for non-tested subjects, such as social studies, art, music, and physical education, the strength of State academic standards, and the morale of students and educators; the ongoing efforts to align the NCLB and IDEA; the unique challenges that the accountability provisions pose for students with limited English proficiency; and the implementation of the supplemental services provisions, including implications for Federal civil rights law.

It is critically important that we understand the practical effect of the NCLB on the everyday classroom experiences of students and teachers. I have heard from many educators who are already seeing a narrowing of curricula and increased teaching to the test in preparation for the federally mandated tests in reading and math. One of the purposes of public education is to ensure that students have a well-rounded curriculum that gives them the skills that they need to succeed in life. I remain concerned that the approach encapsulated in the NCLB will produce a generation of students who know how to take tests, but who don't have the skills necessary to become successful adults. Test-taking has a place in public education, but it should not be the role of the Federal Government to tell schools how and when to require tests.

As an editorial that appeared earlier this week in the Appleton Post-Crescent so correctly points out, "the more testing schools must do, the more time is taken from education that doesn't involve passing a test. And the more testing schools have to do—in the name of no child being left behind—the greater the chance that your child could be left with a less complete education."

And, I am particularly disturbed that this appears to be only the tip of the testing iceberg. The President has said that he plans to propose even more federally mandated testing if he is re-elected. Specifically, the President said, "[a]s we make progress, we will require a rigorous exam before graduation." If this proposal were to be enacted, it would mean that students would be taking federally mandated tests in 8 of their 13 years of their elementary and secondary years.

And that's not just 8 tests. Beginning next year, students in grades 3-8 will take annual reading and math exams, which totals 12 tests over a student's career. In addition, the Federal Government requires that students be tested in reading and math in one high school grade, which is two more tests, for a total of 14. Beginning in the 2007-2008 school year, NCLB also requires that students be tested in science three times during their school careers (once in each of grades 3-5, 6-9, and 10-12). That's three more tests, for a new total of 17 federally mandated tests. And if the President's new plan for a mandatory high school exit exam is enacted,

you can add one more test, bringing the total to 18 federally mandated tests over 13 years of school.

And this total does not include testing programs already in place at the State level, many of which have been thrown into disarray as States struggle to amend their existing tests to comply with the new NCLB requirements. Wisconsin currently tests students in reading in grade three through the Wisconsin Reading Comprehension Test, and in reading/language arts, math, science, and social studies in grades four, eight, and ten with the Wisconsin Knowledge and Concepts Examinations. And this is in addition to regular classroom tests and quizzes and tests given at the district level by many of the 426 school districts in my state. And then, for those students hoping to go to college, there is the pre-SAT, the SAT, the ACT, and on and on.

The Wisconsin Legislature enacted a requirement for a high school graduation test in 1997. But that test, which was to be required of all students beginning with those in the graduating class of 2003, was delayed for one year due to State budget constraints, and was subsequently delayed for an additional 2 years for that same reason, pushing the requirement from the class of 2003 to the class of 2006.

Last year, as part of the State's 2004-2005 budget, the Wisconsin Legislature repealed the State graduation test, which many parents and educators in my State opposed and vigorously fought against for many years. Now it appears that the President wants to reinstate this requirement on the students of my State—and to impose it on the other 24 States that don't currently have such a test—over the will of the Wisconsin Legislature. And with States still unsure of the actual cost of the NCLB-mandated testing and little in the way of Federal funds to develop and implement it, another Federal testing requirement could bend the already dire budget situations in many States and school districts to the breaking point.

According to a new report from the Center on Education Policy, CEP, 20 States now require high school exit exams, and another five will require such tests by 2009. I support the right of State legislatures and local school districts to determine the frequency with which students are tested, including whether to require a high school exit exam. When I was a member of the Wisconsin legislature, I supported legislation that created statewide tests for the students of my State. But I opposed the extra layer of federally mandated tests piled onto students and teachers with the enactment of the No Child Left Behind Act, and I will oppose any proposal for a federally mandated high school exit exam.

Students, teachers, and schools are more than a test score, and education should be a well-rounded experience that is not narrowly focused on students passing a test to help their

schools avoid being sanctioned by the Federal Government. Standardized tests measure where a particular student is at a particular day and time. These tests do not make allowances for outside factors such as test anxiety, illness, worry about a troubled home situation, or the fact that the child taking the test may not have eaten that day. To measure the performance of a school and its teachers and students on two test scores per grade does a disservice to these same students, teachers, and schools.

I will continue to monitor the effect of the No Child Left Behind Act on Wisconsin students, and I hope that the debate on this law, both in my State and nationally, will result in meaningful changes to this deeply flawed law that will ensure that each child is given the opportunity to succeed and that each school has the resources necessary to give these students that opportunity.

I ask unanimous consent to print the above-referenced editorial in the RECORD.

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

[From the Appleton Post-Crescent, Sept. 8, 2004]

#### TOO MANY TESTS MEAN DIMINISHED EDUCATION

A quarter-million kids in Wisconsin will spend part of this school year studying for and taking standardized tests.

In the next school year, that number will nearly double, as tests mandated by state government—pushed by the federal No Child Left Behind Act—expand to include more grade levels and more subjects.

There will be more time needed to take tests, and to prepare students to take the tests. And it's all being done to test . . . the schools.

Sure, the kids are the ones taking the tests, but ultimately it's the schools' performance that's being graded. No school wants to be deficient in its test results because, under No Child Left Behind, there may be consequences.

But with more testing on the way—and more classroom time devoted to the tests—what's going to happen to our kids' education? What won't our kids be learning because they'll be studying for more tests?

This year, third-graders have reading tests and fourth-, eighth- and 10th-graders have reading, language arts, math, science and social studies tests. Next year, those tests will remain, but third-graders will add a math test and fifth-, sixth- and seventh-graders will have reading and math tests.

It can be argued that standardized tests show our children are learning. But what are they learning? How to pass one particular test, which tests one particular subject and is geared toward one particular style of learning?

It also can be argued that schools must be accountable and standardized tests are the best way—if flawed—to ensure accountability. But, the more testing schools must do, the more time is taken from education that doesn't involve passing a test.

And the more testing schools have to do—in the name of no child being left behind—the greater the chance that your child could be left with a less complete education.

RANDY JENSEN: NATIONAL SECONDARY PRINCIPAL OF THE YEAR

Mr. CRAPO. Mr. President, I am pleased by the education received by children in my home State of Idaho. Our teachers are caring, administrators are dedicated, and our schools are effective. The preparation for life and for further learning that I received in Idaho classrooms during my youth has served me well throughout the years.

Today, I am especially pleased to honor Randy Jensen, the Principal of William Thomas Middle School in American Falls, ID, who has been selected as the National Secondary Principal of the Year. For nearly 20 years, Mr. Jensen has worked to make William Thomas a welcoming and supportive environment for students and staff. His commitment to communication, teamwork and proactive problem solving is well recognized by parents and members of the community, and has now been recognized by his colleagues at the national level.

Mr. Jensen correctly states that middle school is "a tumultuous time in the lives of young people, so those of us who know and love them must be their advocates." Mr. Jensen has been just that: an effective advocate for Idaho students. It is altogether fitting that he should be recognized and honored. So today, I offer my congratulations and best wishes to Randy Jensen, National Secondary Principal of the Year.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### GLOBAL HEALTH AND PROTECTION AGAINST BIOTERROR ATTACKS

• Mr. AKAKA. Mr. President, I rise today to express my concern that we need to do much more and do it much sooner to address the threat posed by Avian influenza and other infectious diseases.

The Avian influenza outbreaks that occurred in late June 2004 indicate that the virus is becoming more pathogenic and more widespread according to World Health Organization, WHO, officials. In addition, this virus has crossed the species barrier, moving from infected chickens or ducks directly into humans in three documented outbreaks since 1997.

I am most troubled, however, by a warning from WHO officials that the virus may acquire the ability to spread easily from human to human, and thus, trigger a global influenza pandemic. According to the Centers for Disease Control and Prevention, CDC, an influenza pandemic could cause an estimated 89,000 to 207,000 deaths, 314,000 to 733,000 hospitalizations, and cost from \$71-\$167 billion in the United States alone. We cannot afford to take this threat lightly.

The so-called bird flu is deadly to humans. It killed 24 out of 35 people who