

were wounded at SuccessTech Academy, the press reported that parents had been petitioning to get a metal detector installed and additional security personnel added, and that the guard who was previously assigned to the school had been removed 3 years ago. In fact, the entire city of Cleveland has just 10 metal detectors that are rotated throughout the city's more than 100 schools. Title I of the bill would enhance the ability of school district to apply for and receive grant money to fund the installation of metal detectors and the training and hiring of security personnel to keep our kids safe. Over the past 4 years, this administration has spent over \$15 billion to equip, train, and build facilities for the Iraqi security forces. Surely, Congress can stand up for American kids who face unrelenting school violence by supporting just a small fraction of this figure for much-needed school safety improvements.

To address the new realities of campus safety in the wake of Virginia Tech and more recent college incidents, title I also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice. The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at \$50,000,000 for the next 2 fiscal years. While this amounts to just \$3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

Title II of the bill seeks to improve the NICS system. The senseless loss of life at Virginia Tech revealed deep flaws in the transfer of information relevant to gun purchases between the States and the Federal Government. The defects in the current system permitted the perpetrator of this terrible crime to obtain a firearm even though a judge had declared him to be a danger to himself and thus ineligible under Federal law. Seung-Hui Cho was not eligible to buy a weapon given his mental health history, but he was still able to pass a background check because data was missing from the system. We are working to close gaps in the NICS system. Title II will correct these problems, and for the first time will create a legal regime in which disqualifying mental health records, both at the State and Federal level, would regularly be reported into the NICS system.

Title III would make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne grant program and the bulletproof vest partnership grant program. Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind

the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

Title IV of the bill makes improvements to the Law Enforcement Officers Safety Act of 2003. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves, their families, and their fellow citizens wherever those officers may be.

Title V incorporates the PRECAUTION Act, which Senators FEINGOLD and SPECTER asked to have included. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, Title VI incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

Let us go forward and act now on this important bill. The Virginia Tech Review Panel—a body commissioned by Governor Tim Kaine to study the Virginia Tech tragedy—recently issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the review panel aimed at improving school safety planning and reporting information to NICS. We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids.

I recognize that there is no solution to fully end the sad phenomenon of school violence. But the recent tragedies should prompt us to respond in realistic and meaningful ways when we are presented with such challenges. I hope the Senate can promptly move this bill forward to invest in the safety of our students and better support law enforcement officers across the country.

#### FEDERAL CRACK COCAINE SENTENCING POLICY

Mr. LEAHY. Mr. President, nothing is more fundamental to our system of justice than the tenet inscribed in Vermont marble on the supreme court building, that all people should receive "equal justice under law." For more than 20 years, however, our Nation has tolerated a Federal cocaine sentencing policy that treats crack offenders more harshly than cocaine offenders. This policy has unacceptably had a disparate impact on people of color and the poor—without any empirical justification.

Today, the U.S. Sentencing Commission took yet another important step in addressing the wide disparity in our Federal cocaine sentencing laws. By voting to change our Sentencing Guidelines to reduce the sentences of

crack offenders currently incarcerated, the Commission took a moderate but significant step to reduce unwarranted sentencing disparities in Federal crack and powder cocaine laws. Their unanimous vote is consistent with the goals of the Sentencing Reform Act, including "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct" and brings our Nation one step closer to a drug policy that is fair and equal for all Americans.

The good news does not stop there. Just yesterday, in the landmark ruling of *Kimbrough v. United States*, the Supreme Court of the United States expanded the power of our Federal trial courts to address the unfair disparity in our Federal sentencing laws between crack and powder cocaine. By a vote of 7 to 2, the Court ruled that Federal judges may, in their discretion, consider this disparity and depart from a guideline sentence where the punishment is "greater than necessary" to serve Congress's objectives.

Under current law, an offender apprehended with 5 grams of crack cocaine faces the same 5-year mandatory minimum sentence as an offender with 500 grams of powder cocaine. That means existing law gives the same sentence to a drug trafficker dealing crack cocaine as it would to one dealing 100 times more powder cocaine.

This year, the Sentencing Commission has taken historic actions to address the unfairness and injustice of this disparity. The Commission held hearings and, after extensive study of this issue, reiterated its long-held position that crack cocaine penalties continue to disproportionately impact minorities and undermine various congressional objectives set forth in the Sentencing Reform Act. Next, the Commission attempted to correct this disparity and provide some relief to some crack cocaine offenders by recommending that all crack penalties be lowered by two base offense levels. Last month, Congress allowed this new Commission amendment—the so-called "Crack Minus 2" amendment—to be enacted in the Sentencing Guidelines.

Today, the Sentencing Commission has taken yet another positive step.

This amendment is consistent with Congress's intent in creating a sentencing guideline system. In its report to Congress, the Commission said that the Crack Minus 2 amendment was needed to address its long-held finding that "the 100-to-1 drug quantity ratio (for crack cocaine) significantly undermines the various congressional objectives set forth in the Sentencing Reform Act." I agree. I join the chorus of our esteemed Federal judges, articulated in the Judicial Commission's testimony before the Sentencing Commission on this amendment, that fundamental fairness dictates that this amendment "equally applies to offenders who were sentenced in the past as well as offenders [who] will be sentenced in the future."

Fundamental fairness dictates that we undo past errors to build public confidence in the rule of law. Americans must have faith and confidence that our drug laws are fair and proportional, and a rule correcting a past injustice should be applied retroactively to restore that public confidence. The public's faith is even more critical in crack cocaine cases where 85 percent of the defendants are African Americans—a fact which only enhances the public perception that harsh and punitive sentences are imposed disproportionately on persons of color.

Allowing judges to reconsider the sentences for crack offenders will not threaten public safety. As the Judicial Conference noted in its testimony before the Sentencing Commission, “no offender would be eligible for release without judicial approval.” This amendment allows judges the discretion to give a sentence outside of the Federal guidelines but does not mandate that such a sentence must be imposed. As chairman of the Senate Judiciary Committee, I have some experience with the people who serve our Nation in lifetime positions on the Federal bench. Unlike those who argue that the sky is falling, I have every confidence in the ability of our Federal judges to use this power sparingly and to provide a proper check when necessary to prevent the release of dangerous offenders back into our communities and neighborhoods.

Most importantly, while I abhor the damage done by drug abuse, I also abhor that the penalties for those in the inner city are different than for those in affluent society. For 21 years, far too many African Americans and low-level drug offenders were subject to unfair and overly punitive Federal crack cocaine sentencing laws. With the Commission's amendment to reduce this disparity, we begin the process of healing wounds which have long shaken the public's confidence in our Federal drug policy. Applying this fix retroactively is only fair and just.

The administration's failure to support retroactivity of even the slightest modification of crack penalties is both a surprise and a deep disappointment. I recall that 2 days before taking office, President Bush said that we should address this problem “by making sure the powder cocaine and the crack cocaine sentences are the same.” He also said, “I don't believe we ought to be discriminatory.” Yet his Justice Department has strongly opposed retroactive application of this crack cocaine reform amendment, even though failure to act would once again disparately impact African Americans, since an estimated 85 percent of those who would benefit from the policy are African Americans. The Justice Department's position would also erode public confidence that our drug laws are free from bias since previous drug reform amendments more likely to benefit Whites and Hispanics were made retroactive.

Thankfully, the Sentencing Commission accepted the administration's view. Their decision today was unanimous. I hope the Attorney General will take notice and move to support drug laws that treat all Americans equally.

While fundamental change will require congressional action, I salute the Sentencing Commission for its leadership on this issue. I urge my colleagues to support the Commission's decision and support additional changes to our laws to further reduce the disparity in our Federal cocaine sentencing laws. It is long past time for us to rectify this problem.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING HIDALGO EARLY COLLEGE HIGH SCHOOL

• Mr. CORNYN. Mr. President, today I recognize the many schools in my State of Texas that are working to close achievement gaps and provide their students with an excellent education. Last week, the U.S. News and World Report issued the very first national rankings for the Best High Schools in America. Out of more than 20,000 schools that were evaluated, one school in south Texas, Hidalgo Early College High School, ranked 11th among the top schools that provide “a good education across their entire student body, not just for some students.”

I will have more to say about the other schools on the list in separate remarks, but today I would like to focus on the extraordinary story of Hidalgo High School, home of the Pirates and 850 Hispanic students in grades 9–12.

Hidalgo, TX, is a small town, population 7322, on the U.S.-Mexico border about 250 miles south of San Antonio. Although Hidalgo is the fourth largest U.S. port of entry, unemployment tops 11 percent and nearly 40 percent of the population is below the poverty level. Over a quarter of the students at Hidalgo High are limited English proficient. Yet this school has a 94-percent graduation rate.

A grant from the Bill and Melinda Gates Foundation in 2006 has allowed Hidalgo High and the University of Texas-Pan American to develop an innovative partnership for college preparation. All students at Hidalgo High School are enrolled in the Early College High School Program, where they will earn both a high school diploma and an associate's degree or up to 2 years of credit toward a bachelor's degree. Students receive college level credit from the University of Texas-Pan American. The class of 2010 will be the first class to participate in this program for a full 4 years.

According to Hidalgo High Principal Edward Blaha:

We continuously strive to seek high expectations for all students in their academic, civic and social endeavors and to provide them with opportunities for a successful transition to higher education and the mar-

ketplace. . . . Our high school program is designed to engage students in active, collaborative learning that emphasizes the development of critical thinking skills to be applied to real-world concepts.

Congratulations to Principal Edward Blaha, the faculty and staff, and all of the students and their families at Hidalgo High School on achieving this distinction. The decision to pursue the Early College High School Program provides students with the educational opportunities necessary to generate economic and intellectual progress. I am proud of your vision, hard work and achievement.●

##### RETIREMENT OF ELESTINE SMITH NORMAN

• Mr. GRAHAM. Mr. President, it is my honor and distinct pleasure to recognize Elestine Smith Norman for 34 years of public service to South Carolina's Third Congressional District. Elestine's dedication to her community is without equal and I was fortunate to have her as a member of my staff when I served in the House of Representatives.

Born on December 12, 1949, to the late Wilbert and Elese Morton Smith of Greenwood, SC, Elestine is the youngest of five children. She attended Brewer High School in Greenwood and became the first member of her family to graduate from college, receiving degrees from Piedmont Technical College and Limestone College.

Elestine has been married to Willie Neal Norman for 37 years. Neal works for the South Carolina Department of Social Service and is the pastor of Weston Chapel AME Church in Greenwood where they have faithfully served for 18 years.

She is a two-time survivor of breast cancer and will be the first to tell you that her faith in Jesus Christ provided her the strength to beat this deadly disease.

Elestine's commitment to her community extends well beyond the office door. She was president of the Greenwood Business and Professional Women's Club, a board member of the local United Way, and sat on the Board of Visitors for both Piedmont Technical College and Lander University. In 2007, she was recognized with the Women's History Month Government Award from the AME Church for the State of South Carolina.

Elestine began her career with the U.S. House of Representatives in 1973. She has been a constituent service liaison for four consecutive Members from the Third Congressional District, Democrat and Republican Representatives Bryan Dorn, Butler Derrick, me, and the current office holder GRESHAM BARNETT. Her love for people and her desire to serve has always put her above a party label.

At the end of this year, Elestine Norman will retire after more than three decades of public service. I thank her for her passion and dedication to her