

Mr. JEFFORDS. I do agree.

Mrs. BOXER. I am particularly troubled that under current law, States are required to develop an IEP for eligible students even if they have been sentenced to life without the possibility of parole or even sentenced to death. Would the Senator from Iowa comment on the authority to modify an IEP for such incarcerated individuals?

Mr. HARKIN. Public agencies may modify an IEP for bona fide security or compelling penological reasons. For example, the public agency would not be required to develop an IEP for a person convicted as an adult and incarcerated in an adult prison who is serving a life sentence without the possibility of parole or is sentenced to death.

This exception applies to those inmates for whom special education will have no rehabilitative function for life after prison. Our aim in assuring that prisoners receive special education is to make them better able to cope after prison, resulting in a safer environment for all of us. This goal does not apply for those who will not return to society.

In addition, the provisions requiring participation of students with disabilities in statewide assessments will not apply. Further, the transition services requirements will not apply to students whose eligibility will terminate before their release from prison.

Finally, the obligation to make a free appropriate public education available to all disabled children does not apply with respect to children and 18 to 21 to the extent that State law does not require that special education and related services under this part be provided to children with disability, who, in the education placement prior to their incarceration in an adult correction facilities, were not identified as being a student with a disability, or did not have an IEP.

Mrs. BOXER. Does the legislation modify in any way the responsibilities of adult prisons to prisoners with disabilities under section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act?

Mr. HARKIN. No, these laws still apply.

Mrs. BOXER. Does the bill make any changes to current law with respect to disabled students incarcerated in juvenile facilities?

Mr. HARKIN. No.

Mrs. BOXER. I thank the Senator for entering into this colloquy with me.

Mr. HARKIN. I thank the Senator for raising these important issues.

Mr. JEFFORDS. Mr. President, I would make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Reserving the right to object, I would like to just get us out of the situation we are in and then be happy to turn it over to morning business, if that is all right with the Senator.

Mr. WELLSTONE. I am sorry. Yes, of course.

Mr. JEFFORDS. I yield back the remainder of my time.

MORNING BUSINESS

Mr. JEFFORDS. I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

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

Mr. JEFFORDS. Mr. President, I yield the floor.

RELEASE WEI JINGSHENG

Mr. WELLSTONE. Mr. President, I rise today to ask the Chinese Government that the Chinese Government immediately release Wei Jingsheng, an extraordinary man who tells truth to power, authoritarian and arbitrary power. I meant to bring his book to the floor. It is being released today, May 13.

Mr. President, the publication date of this book is today. The title of the book is "Courage To Stand Alone." I have very limited time, but I just want to say on the floor of the Senate, because I really believe there ought to be a focus on Wei Jingsheng, that this is a man of tremendous courage. I have had a chance to skim-read the book. I am going to read it word for word.

I know that Wei Jingsheng was in prison from 1979, I believe, until 1993. Then he was released, and then again he spoke out, as anyone should do, about the importance of freedom and democracy, and again he finds himself in prison.

Mr. President, I hope that my colleagues will all help me in calling for his release. I know Senator HELMS has signed this letter. So has Senator KENNEDY. I am very pleased to work with both of those Senators, and, in addition, Senator MOYNIHAN has signed this letter as well. We are going to add more and more signatures. We are talking about a man who is in very poor health. I just want to quote from Wei's outline of "My Defense" which was delivered at his trial on December 13, 1995.

To sum up, the basic error of the indictment . . . is that it confounds the actions of defending human rights and promoting democracy and reform with "conspiracy to subvert the government." Therefore, anything that can be linked to the "Democracy Movement" or "human rights" is an act of conspiracy and subversion. . . . A government that can be subverted by a movement of human rights and democracy can only be a government with a contradictory and opposite nature, a government that does not respect human rights or promote democracy, a government of "feudal, fascist dictatorship."

. . . According to our Constitution and laws, the people are the owner of this nation and the government is merely an agent of the people. The government must respect the sovereignty of the people, namely the individual freedoms and political rights of each citizen, including the right of people to know, the right to criticize and supervise the government, even to replace the government. If the government abolishes or suppresses such democratic rights, then it becomes an illegal government and loses its legitimacy, which is based on the Chinese Constitution. Therefore, if the general charges brought by the indictment against the human and democracy movement are valid, then the government it represents is not the legal Chinese Government and the charges it brings are illegal.

Mr. President, these are words that might have been uttered by Thomas Jefferson. I again want to just rise in the Senate today and call on all of my colleagues to stand up for Wei Jingsheng, this extraordinary man. He has now been sentenced to 14 years in prison under austere conditions that threaten his life. Today is the publication of the book, "Courage To Stand Alone." This is a collection of Wei's letters to Chinese leaders, prison officials, and to his family.

He is a remarkable man, as I have said before. This is an extremely important work. He is eloquent. If you think about the conditions under which he has written these letters, it makes this all the more remarkable.

It is not only urgent that the Chinese Government release Wei, but also that it provide him with the medical care that he desperately needs but has been denied. He has a heart disease that threatens his life, severe hypertension, and a serious back ailment that renders him unable to hold his head erect. The Chinese Government ought to release this courageous man. He is a prisoner of conscience.

Today is the publication of a remarkable book, "Courage to Stand Alone." Wei Jingsheng is a man who represents the very best of the tradition of our country. He is a man who has spoken up for human rights and democracy and has paid a terrible price for it. I believe it is important for all of us, regardless of political party, all of us in our country to speak up for prisoners of conscience. In this particular case, I take the Senate floor to call on the Chinese Government to release Wei Jingsheng from prison, to release him from prison today and to provide him with the medical care that he needs.

Mr. President, again, I hope my colleagues will join me in this effort. I hope my colleagues will have a chance to read this remarkable work, "Courage To Stand Alone." I hope it becomes a best seller in the United States of America.

In the 30 seconds I have left, let me just say, personally I do not know how people find the courage. If I lived in such a country and I thought that by speaking up I could wind up in prison, or even worse, that my children could be rounded up and that they could end up being tortured or they could end up