

KAREN SCHREIER'S CONFIRMATION AS UNITED STATES FEDERAL DISTRICT JUDGE FOR SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I rise to express my appreciation of my colleagues for their overwhelming and bipartisan support for confirmation of Karen Schreier as a United States Federal District Judge for South Dakota. Karen Schreier has established an extraordinary reputation for skill and integrity during her years of private law practice, and as a very successful United States Attorney.

It is of historic note, that Karen is about to become the first female federal judge in South Dakota's 110-year history, and her outstanding achievements as an attorney, community leader, and federal judge will serve as a model for countless other talented young people throughout our state—both men and women. Most importantly, however, her ascension to the federal bench is a victory for justice and the rule of law. South Dakota and our nation will be very well served by Karen Schreier's tenure as Federal District Judge for South Dakota.

I also must observe that even the most talented of individuals does not achieve the highest career success without the support and assistance of other important people in their lives. I had the great honor and pleasure of serving in the South Dakota legislature with Karen's father, Harold Schreier. Harold represented the very best of public service in our state, and I know that Karen's success would be of enormous pride and satisfaction to him. Karen's mother, Maysie Schreier, has been a wonderful resource in the Flandreau community in her own right, and her values and determination are reflected in her daughter. Karen's husband, Tim Dougherty, is a talented lawyer, community leader and source of never-ending support and encouragement. Tim's father, Bill Dougherty, has for many years been one of South Dakota's foremost political leaders and voice for common-sense and progressive public policy. Bill has been the father of a great deal of legislative accomplishment in our state, but I have a feeling that Karen's success will always be one of his greatest sources of pride.

Mr. President, it is with wonderful personal satisfaction, that I can today offer my congratulations to Karen Schreier on her confirmation. Congratulations as well, to the Schreier and Dougherty families—outstanding South Dakota families, and valued personal friends!

SILVERY MINNOW—CRITICAL HABITAT DESIGNATION

Mr. DOMENICI. Mr. President, I rise today to discuss recent developments regarding the Rio Grande River in New

Mexico, an endangered species called the silvery minnow, and praiseworthy action by the Senate Environment and Public Works Committee earlier this week.

As I have previously outlined before to my colleagues, a complicated and potentially chaotic situation involving literally hundreds of thousands of water users along the Rio Grande in my state could emerge this year. Yesterday, the Fish and Wildlife Service designated almost 170 miles of the Rio Grande channel as critical habitat for the silvery minnow. This designation, as Secretary of Interior Bruce Babbitt testified earlier this year, is prematurely driven by a court order before the needs of the minnow and economic impacts are known. Indeed, this is a "cart before the horse" situation that would be comical if its consequences weren't potentially so tragic.

In light of this situation, the action by the Senate Environment and Public Works Committee Tuesday is heartening in two respects. First, I want to profoundly thank Senator CHAFEE, chairman of the committee; Senator BAUCUS, ranking member; and Senator CRAPO, chairman of the relevant subcommittee, and their staffs, for their help on S. 1100, a precisely crafted bill that would bring a logical and commonsense reform to the present Endangered Species Act. Second, I also thank the various environmental organizations and their staffs that helped us in this effort. This was a unique, bipartisan undertaking. I think the committee's work shows that intelligent reform can occur in this highly charged arena. I will do all I can to assist in "clean" passage of this legislation, without the burden of multiple amendments that will fracture the consensus that has developed.

S. 1100 simply requires that the designation of critical habitat for an endangered species occur, in the future, after the scientific work necessary to develop a comprehensive recovery plan for that species is completed. That sounds logical to my colleagues, I suspect, but the present Endangered Species Act provides for just the opposite: that is, it requires a designation of habitat before science has told us what a species needs to survive.

I have been asked what relationship exists between S. 1100 and the Rio Grande/silvery minnow situation. The answer will clearly depend on how the courts resolve this particular case. However, S. 1100 provides that designation of critical habitat should occur concurrently with the development of a recovery plan. That is a significant step forward, but only a first step. It will prevent the situation now found on the Rio Grande in the future.

A court has forced the Fish and Wildlife Service to prematurely designate critical habitat, a premature designa-

tion that everyone agrees could be counter-productive. Mr. President, you know that a full Environmental Impact Statement is required by law in the case of a "major federal action." If any case cries out for a full EIS, it is the case of the silvery minnow. The potential impact of this federal action by the Fish and Wildlife Service, compelled by the court, could have consequences well beyond the normal definition of the word "major." At stake is the water, literally the water used every second of every day by all users of the Rio Grande system. Unfortunately, even with legal precedent on the need for an EIS in habitat designations, the Fish and Wildlife Service chose not to do one.

Some try to portray this particular case as one dividing farmers and ranchers from the more extreme environmentalists in our state, a situation described quite accurately and colorfully by Secretary Babbitt earlier this year as "intransigence." Yet, this issue is much broader than that kind of confrontation: hundreds of thousands of users, people who depend upon the Rio Grande for their water in their taps at home, residents of Santa Fe and Albuquerque, and the communities in between, could find their water endangered.

In light of this potential, I believe that a full-scale Environmental Impact Statement must be done on the silvery minnow issue. It is only after we know the impact that critical habitat designation may have on all users, and its relationship to saving the species, that we can intelligently move forward.

A BUDGET SURPLUS TO REFORM AMERICA'S PUBLIC SCHOOLS

Mr. KERRY. Mr. President, I want to spend a few moments today to talk about one of the great questions to which I believe the Senate has yet to take a stand. That is the question of reform of our public school system. And Mr. President, I would suggest that today the responsibility to be creative, to be resourceful, and to empower our schools resides right here in the United States Senate.

I am grateful that President Clinton has recently taken a position a number of us have advocated in this age of budget surpluses. Now it's time for all of us to acknowledge that some proportion of these projected budget surpluses should be set aside for education reform—set aside in a lockbox. And, Mr. President, I would suggest that we should all be able to agree that any budget we conclude this year—if it is a budget that reflects the American people's most urgent need—must include more funding for school reform.

Let's be honest—as a society, there is no decision of greater importance to the long term health, stability, and competitiveness of this nation than the

way we decide to educate our children. We look to public schools today to educate our children to lead in an information age and a global economy where borders have vanished—and the wealth of nations will be determined by the wisdom of their workers—by their level of training, the depth of their knowledge, and their ability to compete with workers around the world.

Mr. President, two hundred years ago Thomas Jefferson told us that our public schools would be “the pillars of the republic”—he was right then, he is right now—but today there is a caveat: those public schools must also be—more than ever—the pillars of our economy and the pillars of our communities.

And I would respectfully suggest to you that there has not been a more urgent time than the present to reevaluate the way America’s greatest democratic experiment is working—the experiment of our nation’s public schools.

Those pillars of the republic have never before had to support so heavy a burden as they do today. In our world of telecommuting; the Internet; hundreds and soon thousands of television channels; sixty, seventy and eighty hour work weeks—there are fewer and fewer places where Americans come together in person to share in that common civic culture, fewer ways in which we unite as citizens. And more reasons, I believe, why this nation must have a great public school system.

And what can we say of the system before us today? I think we must say that—although there are thousands of public schools in this country doing a magnificent job of educating our children to a world class level—too many of our schools are struggling and too many kids are being left behind.

I believe we have a responsibility to be the true friends of public education—and the best friends are critical friends, and it is time that we seek the truth and offer our help to a system that is not doing enough for a large proportion of the 50 million children in our public schools today—children whose reading scores show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient and only 100,000 are at a world class reading level; children who edge out only South Africa and Cyprus on international tests in science and math, with 29 percent of all college freshmen requiring remedial classes in basic skills.

This year we have already passed the Ed-Flex Bill, a step forward in giving our schools the flexibility and the accountability they need to enact reform, making it a matter of law that we won’t tie their hands with red tape when Governors and Mayors and local school districts are doing all they can to educate our kids, but also emphasizing that with added flexibility

comes a responsibility to raise student achievement.

But Ed-Flex was just one step to balance accountability and flexibility—to continue the process of real education reform—and that is why my colleague, the Senator from Oregon, GORDON SMITH, and I have come together, in a bipartisan way—through the Kerry-Smith approach to education reform we’ve introduced with TED KENNEDY, MAX CLELAND, EVAN BAYH, JOHN EDWARDS, CARL LEVIN, PATTY MURRAY, RICHARD BRYAN, as well as JOHN CHAFEE, SUSAN COLLINS and OLYMPIA SNOWE from Maine. Ours is an approach which will make a difference in our schools and which can bring together leaders from across the political spectrum around good ideas which unite us.

For too long in this country the education debate has been stuck both nationally and locally. Leaders have been unable or unwilling to answer the challenge, trapped in a debate that is little more than an echo of old and irrelevant positions with promising solutions stymied by ideology and interest groups—both on the right and on the left.

Nowhere more than in the venerable United States Senate, where we pride ourselves on our ability to work together across partisan lines, have we—in so many debates—been stuck in a place where Democrats and Republicans seem to talk past each other. Democrats are perceived to be always ready to throw money at the problem but never for sufficient accountability or creativity; Republicans are perceived as always ready to give a voucher to go somewhere else but rarely supportive of investing sufficient resources to make the public schools work.

Well, I think it is in this Congress, this year, that we can finally disengage ourselves from the political combat, and acknowledge that with so much on the line, such high stakes in our schools, you can’t just talk past each other and call it reform.

We all need to do our part to find a new answer, and Mr. President I would respectfully suggest that in the bipartisan support you see for this approach, there is a different road we can meet on to make it happen.

Together we are introducing the kind of comprehensive education reform legislation that I believe will provide us a chance to come together not as Democrats and Republicans, but as the true friends of parents, children, teachers, and principals—to come together as citizens—and help our schools reclaim the promise of public education in this country. We need to ask one question: “What provides our children with the best education?” And whether the answer is conservative, liberal or simply practical, we need to commit ourselves to that course.

Our bill is built on the notion of providing grants for schools with real ac-

countability to pursue comprehensive reform and adopt the proven best practices of any other school—Voluntary State Reform Incentive Grants so school districts that choose to finance and implement comprehensive reform based on proven high-performance models can bring forth change. We will target investments at school districts with high numbers of at-risk students and leverage local dollars through matching grants. This component of the legislation will give schools the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and high levels of volunteerism—while at the same time meeting high standards of student achievement and public accountability. I believe public schools need to have the chance to make changes not tomorrow, not five years from now, not after another study—but now—today.

So if schools will embrace this new framework—every school adopting the best practices of high achieving schools, building accountability into the system—what then are the key ingredients of excellence that every school needs to succeed?

Well, I think we can start by guaranteeing that every one of our nation’s 80,000 principals have the capacity to lead—the talents and the know-how to do the job; effective leadership skills; the vision to create an effective team—to recruit, hire, and transfer teachers and engage parents. Without those abilities, the title of principal and the freedom to lead means little. We are proposing an “Excellent Principals Challenge Grant” which would provide funds to local school districts to train principals in sound management skills and effective classroom practices. This bill helps our schools make being a principal the great calling of our time.

But as we set our sights on recruiting a new generation of effective principals, we must acknowledge what today’s best principals know: principals can only produce results as good as the teachers with whom they must work. To get the best results, we need the best teachers. And we must act immediately to guarantee that we get the best as the United States hires 2 million new teachers in the next ten years, 60% of them in the next five years. In the Kerry-Smith Bill we will empower our states and school districts to find new ways to hire and train outstanding teachers: through a focus on teacher quality and training—in Title V of this bill—we can use financial incentives to attract a larger group of qualified people into the teaching profession and we can provide real ongoing education and continued training for our nation’s teachers.

This legislation will allow states to reconfigure their certification policies

and their teaching standards to address the reality that our standards for teachers are not high enough—and at the same time, they are too rigid in setting out irrelevant requirements that don't make teaching better; they make it harder for some who choose to teach. We know we need to streamline teacher certification rules in this country to recruit the best college graduates to teach in the United States. Today we hire almost exclusively education majors to teach, and liberal arts graduates are only welcomed in our country's top private schools. Our legislation will allow states to rewrite the rules so principals have a far greater flexibility to hire liberal arts graduates as teachers, graduates who can meet high standards; while at the same time allowing hundreds of thousands more teachers to achieve a more broad based meaningful certification—the National Board for Professional Teaching Standards certification with its rigorous test of subject matter knowledge and teaching ability.

This legislation will build a new teacher recruitment system for our public schools—providing college scholarships for our highest achieving high school graduates if they agree to come back and teach in our public schools.

We will demand a great deal from our principals and our teachers—holding them accountable for student achievement—but Mr. President we also hope to build a new consensus in America that recognizes that you can't hold someone accountable if they don't have the tools to succeed.

Our bill helps to close the resource gap in public education: helping to eliminate the crime that turns too many hallways and classrooms into arenas of violence by giving school districts incentives to write discipline codes and create "Second Chance" schools with a range of alternatives for chronically disruptive and violent students—everything from short-term in-school crisis centers, to medium duration in-school suspension rooms, to high quality off-campus alternatives, providing the resources that can, in tandem with values and character education, prevent senseless tragedy before it happens; the resources to help every child come to school ready to learn by funding successful, local early childhood development efforts; and making schools the hubs of our communities once more by providing support for after school programs where students receive tutoring, mentoring, and values-based education—the kind of programs that are open to entire communities, making public schools truly public.

And our legislation will help us bring a new kind of accountability to public education by injecting choice and competition into a public school system badly in need of both. We are not a country that believes in monopolies.

We are a country that believes competition raises quality. And we ought to merge the best of those ideas by ending a system that restricts each child to an administrator's choice and not a parent's choice where possible. It is time we adopt a competitive system of public school choice with grants awarded to schools that meet parents' test of quality and assistance to schools that must catch up rapidly. That is why our bill creates an incentive for schools all across the nation to adopt public school choice to the extent logistically feasible.

We are not just asking Democrats and Republicans to meet in a compromise, a grand bargain to reform public education. We are offering legislation that helps us do it, that forces not just a debate, but a vote—yes or no, up or down, change or more of the same. Together we can embrace new rights and responsibilities on both sides of the ideological divide and admit that the answer to the crisis of public education is not found in one concept alone—in private school vouchers or bricks and mortar alone. We can find answers for our children by breaking with the instinct for the symbolic, and especially the notion that a speech here and there will make education better in this country. It can't and it won't. But our hard work together in the coming year—Democrats and Republicans together—can make a difference. Education reform can work in a bi-partisan way. There is no shortage of good ideas or leadership here in the Senate—the experience of GORDON SMITH who spent years in the Oregon legislature working to balance resources and accountability to raise the quality of public education; with tireless leadership from former Governors like EVAN BAYH and JOHN CHAFEE; bi-partisan creativity from PATTY MURRAY and OLYMPIA SNOWE; and the leadership and passion, of course, of the senior Senator from my state, Senator KENNEDY, who has led the fight on education in this Senate, and who has provided this body with over 30 years of unrivaled leadership and support for education.

We look forward to working with all of our colleagues this year to pass this legislation, in this important year as we undergo the process of reauthorizing the Elementary and Secondary Education Act, to find common ground in ideas that we can all support—bold legislation that sends the message to parents and children struggling to find schools that work, and to teachers and principals struggling in schools simultaneously bloated with bureaucracy and starved for resources—to prove to them not just that we hear their cries for help, but that we will respond not with sound bites and salvos, but with real answers. And Mr. President, I would suggest that in this time when the United States, the richest nation

on the face of the earth, leading a global economy, pushing our stock market well over 10,000, with budget surpluses we all herald at every turn, I would suggest that at this time we need to make the commitment—together, Democrats and Republicans—to give every school the chance to give every child in our country a world class education. That is an investment we can not afford to pass up—and Mr. President this is the time to do it. I look forward to working with all colleagues, Mr. President, in fashioning a budget that takes serious the American people's call for real and comprehensive education reform.

WELFARE REFORM

Mr. WELLSTONE. Mr. President, I rise today because I am concerned that there is a growing national crisis in America. Although we do not know its exact dimensions, the early evidence is extremely troubling.

Nearly three years ago, against my objections, Congress passed and President Clinton signed the welfare reform law. The stated purpose of the law was to move people off welfare and toward economic self-sufficiency.

By now, we all know that the welfare caseloads have dramatically declined. The welfare caseloads are at their lowest point in nearly 30 years. Since welfare reform became law, 1.6 million families have left the welfare rolls. Approximately 4.6 million are no longer receiving cash assistance. Clearly, the law has been successful at moving people off welfare. On this basis, nearly everyone is jumping at the opportunity to proclaim welfare reform as a "success." But, Mr. President, I have my doubts. How can we call welfare reform a success without knowing what has happened to these people after leaving welfare? How can we call it a success without knowing how people are doing? Mr. President, declining caseloads do not answer the fundamentally important questions. They don't tell us if families are moving toward economic self-sufficiency. They don't tell us if people have been able to escape poverty. They don't tell us if mothers have been able to find work. They don't tell us if children have food and are covered by health insurance.

Mr. President to be honest, the declining welfare caseloads tell us very little. We should not be trumpeting the success of welfare reform before we know about the living conditions of the people who have been moved off welfare. And right now, no one seems to know. Over and over again I have asked my colleagues if they know of any research demonstrating that the decrease in the number of families receiving assistance means that people are escaping poverty, but no one has produced such a study. No one!

My fear is that these people are simply disappearing.