

even go so far as to say we know everything, nothing is right with the present system, no one should be allowed to use it under any circumstances. Running from top to bottom through the proposal we have before this body right now is the right of any State's educational authorities who believe the present system is the best we can come up with to continue to follow it, to continue to use it, to continue to file all of the forms and abide by all of the rules and regulations of the present system.

All we are saying, modestly in some respects but I think quite dramatically in other respects, is that you are going to have a choice, education commissioners of the 50 States and, in many cases, the school districts of the several States; you can try a dramatic new system called Straight A's, or 15 of you—and I am very sorry it is only 15—can try a dramatic new program called Straight A's under which a dozen or a baker's dozen of the present education programs can be collapsed into a single program, rules and regulations thrown out, forms tossed, administrators turned into teachers, as long as you make a legal commitment to one single goal: The kids in your State will get a better education and you will prove it by achievement tests that you design and that you agree will show that improvement over a period of 3 to 5 years.

Accountability under the present system means you have filled out all the forms correctly, you have made absolutely certain that you have not spent a dollar that we have said ought to be spent on one purpose for another education purpose or for another student, no matter how well, how validly you have spent that dollar.

Accountability under our system means our kids are better educated, they are better fitted to deal with the world in the 21st century.

In describing that choice under Straight A's, my friend from New Mexico omitted only one element, but it is an important element. That element is that as against the form of accountability the other side wishes, punishment—you are going to lose your money; you are going to lose your ability to make your own choices; you are going to be fined; or you are going to get a bad audit—we offer a carrot. We say that if after 35 years in which we have failed to close the gap between underprivileged students who are entitled to title I support and the other more privileged students, if you close that gap by raising the achievement of the underprivileged students, you will get more money; you will get a reward; you will get a bonus.

They never thought of that in connection with the present program. We do. We do have to supply some discipline, some loss of ability to make your own choices for States that are

miserable failures, but we think it every bit as important, perhaps more important, to provide a reward for those systems that do the job right.

I must confess that I have a reservation about our own proposal in this connection. We are demanding a great deal because we are demanding that States, in order to get Straight A's, agree to a contract under which the performance of their students will improve, and they sign that contract in order to get control over 5 or 6 or 7 percent of the money they are going to spend on their students, the really modest contribution made by the Federal Government.

I would feel a lot more comfortable in the form of accountability we have designed ourselves if the demands we make were more directly proportional to the amount of money we are putting into the system. Even so, I believe there are a minimum of 15 States that will jump at this opportunity to get the Federal bureaucrats off their backs and to say, as we are saying here: Let the decision about what is best for the education of our students be made, by and large, by the people who know their names—the parents, teachers, and principals, and above them, their superintendents and their elected school board members. Let's no longer claim that we in Congress, that people downtown in the Department of Education know all of the answers, and that one set of answers fits every school district, no matter how rural or how urban, no matter west or east or north or south in the United States of America.

This bill goes beyond just Straight A's for 15 States. It has, as the Senator from New Mexico described, performance partnership agreements, a modified form of Straight A's, a form that still retains some of the rules and regulations, more than I would like, but also provides a far greater degree of choice and policy-setting authority to our local school boards and to our States and does have two great advantages: One, it is strongly supported by the Governors—Republicans and Democrats—and, two, it is applicable to all of the States.

So, even at that level, some States will get three choices, and all will get two: Straight A's, performance partnership agreements, or the present system.

Beyond that, our proposal includes the Teacher Empowerment Act, which gives much more flexibility to the way in which we compensate our teachers, train our teachers, and determine what the requirements for those teachers are, and a very real degree of choice with respect to title I, especially for failing schools, where instead of saying that title I is focused on schools and on systems, we will say, again, for those States and for those communities that wish to do so, title I will be focused on

the individual students who are eligible, the underprivileged students who are eligible, so that they, and not the systems and not particular schools, will be the goals of title I.

Has the present title I been so successful that it cannot stand a change, even a change that offers an option to States and to individual school districts? That is what we hear from the other side of the aisle, that it would be terrible. We have 35-year-old reports cited concerning things that happened two generations ago as an argument against any kind of innovation today and as an argument for maintaining a system that, bluntly, has not worked, that has not worked at all.

At its most fundamental level, this is a debate about who knows best and who cares most: Members of this body and people working in the bowels of the Department of Education in Washington, DC, or those men and women all across the United States of America who are concerned about the future of their children, those men and women all across the United States of America who have dedicated their entire professional lives to providing that education for our children—their teachers and their principals and their superintendents—and those men and women across America who, in almost every case without compensation, have entered the political arena and have run for and have been elected to school boards in their various communities.

Our opponents of this bill say that none of these people should be trusted; only we should be trusted. We say we want to repose far more trust and confidence in those individuals all across the United States of America, we want to hold them accountable, but we want to hold them accountable on the basis of their results, and their results only.

That is what the debate will be about for the balance of this week and perhaps next week, as well.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO MING CHEN HSU

Mr. LOTT. Mr. President, I rise today to pay tribute to a great American, Ming Chen Hsu. Last December, Ms. Hsu retired from the Federal Maritime Commission (FMC), where she served as a Commissioner for nine and one-half years. Ms. Hsu was first appointed to the Commission by President George Bush and confirmed by the Senate in 1990. She was reappointed and reconfirmed in October, 1991.

Many of my colleagues may not realize it, but the ocean shipping system is

vital to international trade and is the underpinning for the international trade on which the vitality of our Nation's economy depends. A fair and open maritime transportation system creates business opportunities for U.S. shipping companies and provides more favorable transportation conditions for U.S. imports and exports. Ensuring a fair, open, competitive and efficient ocean transportation system is the mission of the FMC. The Commission has a number of important responsibilities under the shipping laws of the United States, including: the responsibility to ensure just and reasonable practices by the ocean common carriers, marine terminal operators, conferences, ports and ocean transportation intermediaries operating in the U.S. foreign commerce; monitor and address the laws and practices of foreign governments which could have a discriminatory or adverse impact on shipping conditions in the U.S. trades; and enforce special regulatory requirements applicable to carriers owned or controlled by foreign governments.

Mr. President, for almost a decade, Ms. Hsu played an active and important role in the life and decisions of the Commission. The Commission and the Nation have been fortunate in her service. During her tenure, Ms. Hsu's experience and judgment helped guide the Commission through a number of challenges and actions which will continue to shape the work of the Commission long after her retirement.

In 1998, the Congress passed and the President signed the Ocean Shipping Reform Act (OSRA), which amended the Shipping Act of 1984, the primary shipping statute administered by the FMC. As I have said before, the OSRA signaled a paradigm shift in the conduct of the ocean liner business and its regulation by the FMC. Where ocean carrier pricing and service options were diluted by the conference system and "me too" requirements, an unprecedented degree of flexibility and choice will result. Where agency oversight once focused on using rigid systems of tariff and contract filing to scrutinize individual transactions, the "big picture" of ensuring the existence of competitive liner service by a healthy ocean carrier industry to facilitate fair and open commerce among our trading partners will become the oversight priority. This week marks the one-year anniversary of the implementation of the Ocean Shipping Reform Act of 1998. It is most fitting that we take the time to remember the career of Ming Chen Hsu this week.

Mr. President, Ms. Hsu clearly recognized the important change in the business and regulation by the FMC of ocean shipping brought about by the Ocean Shipping Reform Act. During the Commission's consideration of regulations to implement OSRA, Ms. Hsu played a critical role in working with

the other Commissioners and FMC staff to ensure that the regulations embodied the spirit of the new law. As she told a large gathering of shippers and industry representatives, "This has been not only a long journey, but a long needed journey * * * With the passage of the Ocean Shipping Reform Act and the FMC's new regulations, I believe the maritime industry will be far less shackled by burdensome and needless regulations * * * I believe we can now look forward to an environment which gives you the freedom and flexibility to develop innovative solutions to your ever-changing ocean transportation needs."

Ms. Hsu's wisdom and experience was also instrumental in helping the Commission navigate one the Commission's most difficult and highly-publicized actions in recent years. In 1998, the Commission took action against a series of restrictive port conditions in Japan. As a result of these conditions, both U.S. carriers and U.S. trade were burdened with unreasonably high costs and inefficiencies. Because of the Commission's action, steps were taken by Japan to initiate improvements to its port system. If ultimately realized, these improvements will substantially facilitate and benefit the ocean trade of both nations.

Mr. President, during her career at the Commission, Ms. Hsu led a number of Commission initiatives. Among others, in 1992 Ms. Hsu served at the request of then FMC Chairman Christopher Koch as Investigative Officer for the Commission's Fact Finding 20. Under her leadership, the Fact Finding held numerous hearings across the United States in an effort to examine and understand the experience of shippers associations and transportation intermediaries under the Shipping Act of 1984. Fact Finding 20 ultimately led to Commission efforts to ensure that shippers associations and transportation intermediaries received all of the benefits intended by Congress in enacting the 1984 Act.

Commissioner Hsu's service at the Federal Maritime Commission is just the most recent milestone in a remarkable life and career. A naturalized U.S. citizen, Ming Chen Hsu came as a student to the United States from her native Beijing, China. Prior to coming to the Commission, Ms. Hsu has had an extensive career in international trade and commerce in both the public and private sectors. She was a Vice President for International Trade for the RCA Corporation in New York, where she held a variety of executive positions in the areas of international marketing and planning. She played a pivotal role in gaining market access for RCA in China in the 1970's. She was appointed by former Governor Thomas H. Kean of New Jersey as Special Trade Representative and as Director of the State's Division of International

Trade, a position she held from 1982 to 1990. In her positions with RCA and the state of New Jersey, Ms. Hsu led over thirty trade missions to countries throughout the world.

Mr. President, Ms. Hsu has served on several U.S. Federal advisory committees, having been appointed by the President, the Secretary of Defense, the Secretary of Commerce and the U.S. Trade Representative. She is a recipient of numerous awards including the Medal of Freedom and the Eisenhower Award for Meritorious Service. She is listed in Who's Who of America. Ms. Hsu is a founding member and director of the Committee of 100, an organization of prominent Chinese Americans and is a member of the National Committee on United States-China Relations. She also serves on the National Advisory Forum to the U.S. Holocaust Memorial.

Ms. Hsu is a Summa Cum Laude graduate of George Washington University and member of Phi Beta Kappa. At New York University, she was a Penfield Fellow for International Law. Ms. Hsu was the recipient of the George Washington Alumni Achievement Award in 1983 and holds several honorary degrees.

Mr. President, I congratulate Ming Chen Hsu on her exemplary career at the Federal Maritime Commission and salute her contributions to the ocean transportation industry. I add my voice to those who say "thank you" for her service to the Nation. And finally, I wish her smooth sailing in her future endeavors.

IMPORTANCE OF PRIVATE PROSECUTIONS

Mrs. FEINSTEIN. Mr. President, last week, during the debate on a proposed constitutional amendment to protect the rights of crime victims, Senator LEAHY made several lengthy statements challenging some of the facts set forth by supporters of the amendment, including myself. We responded to many of those arguments at the time—and, I believe, refuted them. I do want not burden the record now by repeating all our contentions or making new ones.

However, there is one argument that the Senator from Vermont made during the waning hours of debate on the amendment that I find particularly troubling. It involves the role of victims in criminal proceedings at the time our Constitution was written. Because I believe the Senator's comments contradict the clear weight of American history, I feel compelled to respond.

Here is the argument Senator LEAHY disputes: At the time the Constitution was written, the bulk of prosecutions were by private individuals. Typically, a crime was committed and then the victim initiated and then pursued that