

SENATE—Tuesday, May 1, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Great is Your faithfulness, O God our Father; morning by morning new mercies we see. All we have needed Your hand has provided. Great is Your faithfulness that sets us free. We echo the praise articulated so beautifully by Jeremiah, "Through the Lord's mercies, we are not consumed, because His compassions fail not. They are new every morning; great is Your faithfulness." Thank You, Father, that You desire to reproduce Your faithfulness in us. Make us people distinguished for our faithfulness to You, our families, our Nation, our calling to serve You in the Senate. Today, on what has been designated as Loyalty Day, may our love for You be expressed in loyalty. We know that loyalty is an act of the will; it is a quality we choose to express. We affirm our loyalty to Your commandments and our Constitution. May loyalty to one another within the Senate family exemplify to America that people with different political persuasions can be loyal to each other. You are our loyal Lord and our strengthening Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 1, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, I ask unanimous consent that the 9:30 cloture vote be postponed to occur at 11 a.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. I further ask unanimous consent that the Senate begin a period of morning business until 11 a.m. with the time equally divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. NICKLES. For the information of all Senators, the cloture vote on the motion to proceed to the education bill is now scheduled to occur at 11 a.m. However, it is possible that vote may be vitiated so substantive debate can begin this morning. Senators will be notified as to the status of that vote as soon as possible. Amendments to the bill are expected to be offered during today's session, and therefore further votes are anticipated in today's session.

I thank my colleagues for their attention.

Mr. President, I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

LEI DAY IN HAWAII

Mr. AKAKA. Mr. President, May 1 is a special day in many cultures. The Celts and Saxons and others in pre-Christian Europe celebrated the first planting and the beauty of spring. These agrarian celebrations continued down through the centuries and remain today. In much of Europe, May 1 is also a labor holiday, honoring the labor workers. The first of May, however, has a unique and very special significance to the people of Hawaii. May Day is Lei Day in Hawaii. Lei Day is a non-political and nonpartisan celebration.

Indeed, its sole purpose is to engage in random acts of kindness and sharing, and to celebrate the Aloha spirit, that intangible, but palpable, essence which is best exemplified by the hospitality and inclusiveness exhibited by the Native Hawaiians—Hawaii's indigenous peoples—to all people of goodwill.

A lei is a garland of flowers joined together in a manner which can be worn. There are many different styles of lei made of numerous types of flowers. The type of flower used determines the manner in which the lei is woven. While Hawaii and the Native Hawaiian culture are properly acknowledged for giving the lei such prominence, and the lei is a sensory manifestation of the Aloha spirit, other Pacific island peoples—the Polynesians and Micronesians for example—and Southeast Asians use floral garlands to greet and honor guests.

A lei symbolizes love, support, and friendship. Longstanding tradition in Hawaii has made May 1 a special day for the people of Hawaii. The Territory of Hawaii observed its first "May Day is Lei Day" celebration on May 1, 1928. There were many festivities and competitions that exhibited lei made of flowers from the different islands. In addition, many schools held elaborate programs throughout the islands.

This tradition has continued for many years in Hawaii. In 1929, Governor Farrington signed a Lei Day proclamation urging the citizens of Hawaii to "observe the day and honor the traditions of Hawaii-*nei* by wearing and displaying lei." Many schools celebrate this day by holding pageants where students honor the many cultures and traditions of Hawaii. Students commonly elect a May Day court, commemorating Hawaii's royal heritage, that consists of two representatives who wear flowers and colored Aloha attire representative and customary for each of the eight major islands of Hawaii. In addition, many communities hold events in honor of Lei Day, including lei making contests and concerts.

This year, the Hawaii State Legislature passed a bill to officially recognize May 1 as "Lei Day in Hawaii." The bill was recently signed into law by Gov. Benjamin Cayetano.

Mr. President, in an effort to share the Aloha spirit across America and around the world, the Hawaii Visitors and Convention Bureau will be sharing lei in seventeen cities today. Approximately 31,000 lei will be shared in 17 cities around the world, including here in Washington, DC, New York, Chicago, Vancouver, Seoul, Sydney, Beijing, and

Buenos Aires. The lei will be of three types: plumeria, tuberose, and dendrobium orchids. I am pleased that we in Washington, DC, are able to participate in this wonderful celebration of the Aloha spirit. Across Capitol Hill this morning, young people from the metropolitan area who are students of Native Hawaiian hula, language and culture are sharing a floral greeting and compilation of beautiful Hawaiian music with every Senator and Member of Congress. I encourage all of my colleagues to enjoy the fragrant and beautiful lei, listen to the music and allow yourself to be transported to Hawaii where you too will discover the cheer and camaraderie of Lei Day.

The songwriter Red Hawke captured it best when he wrote:

May Day is Lei Day in Hawaii,
Garlands of flowers everywhere,
All of the colors in the rainbow,
Maidens with blossoms in their hair,
Flowers that mean we should be happy,
Throwing aside a load of care,
Oh, May Day is Lei Day in Hawaii,
May Day is happy out there.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

EDUCATION

Mr. FRIST. Mr. President, we are in morning business now, but I do want to take this opportunity to comment on a vote that we at least plan to have about an hour from now. That vote is a technical type of vote, but it is a very important vote because it determines whether or not we allow this body the opportunity to address straight up, head on, with debate, what I regard as the most important issue before us today, if we look both short term and long term: Education, kindergarten through the 12th grade. That is an issue about which all of us in this body feel very strongly.

We have contributed to the debate in many positive ways in the past, and it is an issue that has been addressed in the appropriate committee, the Health, Education, Labor, and Pensions Committee, which wrote a bill called the Better Education for Students and Teachers Act, which is in my hands. It passed out of that committee and is ready to come to the floor. People have had the opportunity to read it. It has been sitting on people's desks. We actually addressed it about a month ago.

I feel so strongly about this issue. It is amazing to me that, although Republicans believe very strongly we need

to bring this to the floor, there are people on the other side of the aisle who object to bringing it to the floor. We as a nation have failed to do what has been so well articulated by the President of the United States, President Bush, in that we have an obligation to leave no child behind. We as a nation have failed to accomplish that objective.

It was in 1965 that the Elementary and Secondary Education Act, ESEA—we will be talking a lot about ESEA, and that is what that is—was passed as part of the War On Poverty, written by President Johnson. Over the last 35 years that program has been reauthorized seven different times, each with very good intent, each with a lot of discussion. From what started as a real focus on allowing better access to education, over 35 years with approximately 60 different programs and now approximately 14 different titles of this bill, this underlying law has emerged.

We have to start to consider this bill today. I urge my colleagues on the other side of the aisle to allow it to come to the floor.

The sad thing is, we are failing. We have failed in the past, despite a whole litany of good intentions that resulted in programs, about 230 different programs and entities which we tried to put out there to address specific problems in the past—in spite of all that, we failed. So now we have this opportunity, a wonderful opportunity, where, again, in a bipartisan way, many of us in this body and in the House of Representatives, under the leadership of President Bush, have come together. We have that opportunity to change.

When we use the word "reform," it scares some people because reform means such dramatic change, but we have to admit that it is time to change, to reinvent, to reconceptualize what K-12 Federal education programs are all about.

What is the role of the Federal Government? Why are we even discussing it in this body? I think there are two reasons. No. 1, as I said, over the last 35 years we have invested a large amount of money, a lot of resources, and we are failing. All of us know that by every global comparison, standard testing assessment, we are failing our children, whether it is in the 8th grade, or the 9th, 10th, 11th, or 12th grade.

The 12th grade is a pretty good year to look at because it is a year we know is important. We have gone through kindergarten and 4th and 8th and 10th and 12th grade, so this is kind of the final product of K-12. In truth, you can assess students at the 10th grade or 8th grade or 4th grade, and at each of those levels we are failing our children. But if you look at the 12th grade, you can say that is the final product, that is what America is all about, and that is what the future of America is all

about. For those 12th graders, where access in this country is, I would say, superb, we are failing in those global comparisons in mathematics, in science, in ability to write, in ability to communicate.

Those basic skills that we know and that everyone—liberals, conservatives, Democrats and Republicans—recognizes you have to be equipped with if you are going to live a fulfilling life are increasingly competitive, not just in local towns, communities, States, or regions in this Nation but across this great world in which we live, such as in mathematics. It depends on the particular study. If you look at our 12th graders versus other nations, we rank 18th—not 1st, 10th, or 15th, but right around 18th, or somewhere between 15th and 20th in the world. That is how many nations are better than us.

In my own field of science, it is even worse. We are around 19th or in some States 20th compared to other nations in the world. We know how important science is in terms of understanding nature and in understanding technology, which is revolutionizing our lives. And we are sending our young people out into the world less well prepared than 18 other countries in the world, none of which have the creativity or the ingenuity or the resources that we have in the United States of America.

That is why an hour from now I am very hopeful that this body allows and that the Democrats allow this bill to come forward. Let's work it out and talk about these very important issues. The Republicans want the bill considered on the floor; the Democrats have refused, and thus we will have this technical vote an hour from now.

I mentioned yesterday in some of the conversations the principles I am very hopeful we will bring forward and debate, the principles which are outlined in a lot of detail, because this is a product of extensive bipartisan discussion. This came out of committee in a bipartisan way with a bipartisan vote. Those guiding principles which I mentioned, at least in my mind, are important.

No. 1, instead of straightjacketing out of Washington, DC because of good intentions and what goes on at the State level where there is a lot of reform, we are playing catch-up ball. There is a tremendous amount of reform going on in States all across the country, in communities, in counties, in districts and in the local schools. We have to play catchup.

What we have done historically is invent a new program and say this is a silver bullet, take the program and put a little bit of money in it and hope that little bit of money and our good intentions will solve the problem. It hasn't over time.

Instead of inventing a new program with a whole series of regulations, it is time for us to provide flexibility and