

afford it. We are running huge deficits. We can't keep spending money we don't have. Money doesn't grow on trees. We can't tax people any more. So I am all for that and when we have to cut back, let's do it.

But now that we have a historic and significant surplus, now I am listening to people say: We have the surplus; we have the money; it is sitting there in the bank, but we don't want to spend it on these children. We don't want to spend it on them. They are not our future. We want to give a huge tax cut, and we don't want to make any investments in education.

I am not talking about the same kind of investments for the same mediocre results. We can't keep doing it 3 percent a year or 4 percent a year or 5 percent a year, which is what the President is recommending, and think we are going to get a 50-percent increase in results. It doesn't work that way.

We have to make an extraordinary commitment now and put our money where our mouth is to reach the children that we need to reach through our schools. Yes, reform our schools with strong accountability standards matched with a true investment and targeted to the kids who need it the most.

We do a great job sometimes in Washington inventing new programs, and everything sounds great. And every year we invent about five, six, or seven more programs. We need to get back to the basics and fund through elementary and secondary education a significant amount, if not tripling the amount of money, for title I—flexible grants that go to places in Louisiana, New York, Connecticut, Alabama, New Mexico, or where the communities can't raise the tax dollars because they are relatively poor or have a limited capacity.

The Federal Government can honestly stand up and say, whether you are little girls in Oregon or you were born into a poor, rural area or a poor urban area, it doesn't matter because we have a system at the Federal level that ensures, because of the way we fund education, that the school you go to will help you pass and exceed that proficiency in math so that you can get a job and we don't have to import someone from another country to take the job while you collect welfare or while you have to live on food stamps or while you tell your children they cannot ever live in a home of their own because you can't bring home a paycheck enough for you to be able to live in a home of your own.

I am not going to say that as a Senator because the money is in the bank. The question is, Are we going to write the check for the kids who need it or to our schools, or are we going to squander the surplus and not make the investments that we need?

I will come to the floor every single day this week and next week, as long as it takes, because I know as a Senator from Louisiana, particularly, my

State's future rests in large measure on how our schools can function so that every child in every part of our State can get the quality education that in some small way perhaps will make up for what they do not always get in their homes.

I don't know what kind of miracle schools can achieve. I know schools can't do it without the parents. I know there is a limit to what schools can contribute to a child if they are not getting that support at home. But I am tired of making excuses and hearing excuses such as this kid can't learn because this child only has one parent or this child can't learn because this child is poor or this child can't learn because this child is a special education student.

I am here to tell you that every child can learn, but it takes a good system and good investments from the Federal Government, the State government, and the local government working in partnership with parents.

I am about fed up with the excuses because I want to support trade and globalization, and I want our businesses to have the workers they need. I have to fight for children to have the opportunity. I urge our President to please work with us. Work with the Democrats. We don't want to waste money. We want to make a significant investment in education, coupled with accountability, new standards and exciting possibilities for our Nation. I most certainly want to work with him. I believe we can make a real difference in Louisiana and Texas and many places throughout our Nation.

In conclusion, I refer to the vision of Lyndon Baines Johnson when we created the Elementary and Secondary Education Act—a vision that would make the dream of a quality education a reality for all children regardless of their race, their socioeconomic status, or their gender. This is what America is about. It is about opportunities.

In many ways, while education begins at home, it is most certainly enhanced at the school level. We are shortchanging ourselves, shortchanging our children, and shortchanging our future to do anything less.

I will end saying, again, I am going to be down here every day until we complete this debate, urging my colleagues to push hard for a significant investment and targeting that investment to the schools and communities that need the most help, and also helping all of our districts to achieve success in educational excellence.

I yield any remaining time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, before my colleague from Louisiana leaves the floor, I thank her so much for saying what the issue before us really is. We all agree that we need to make children our No. 1 priority. We all agree that there are things in our schools that need to be improved, and we need

to, frankly, underscore the things that are working. We don't want to leave any child behind. That is President Bush's comment.

When we get the chance to have an education bill brought here with our friends, Senator KENNEDY, Senator JEFFORDS, and others, we want to make sure it is not just an empty promise. I think she has fleshed this out. I thank her very much.

In California, we test every year. It is not a big deal. We have that reform in place. But if you test them and find they are failing and you don't have anything in place to help them after school or during school to give them the smaller class sizes, to give them a facility that feels good, looks good, and is safe for them, they are not going to improve.

When this education bill comes up, I predict that the Senate will take that Bush bill and change it dramatically in terms of the resources we put behind the rhetoric. There are two R's. Usually they say there are three R's. But there is rhetoric here, then there is requirement. Those are the two R's. The rhetoric is fine. Let's get the requirements in there so that we can meet the needs of our children. There is a third R—results. That is what we want to do.

How much time do I have? Is there a limit on time?

The PRESIDING OFFICER. Under the previous order, there are 10 minutes per speaker, and the Democrats have 40 minutes remaining.

Mrs. BOXER. I would like to know when I have 1 minute remaining of my 10 minutes.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mrs. BOXER. I thank the Chair.

#### THE PRESIDENT'S BUDGET

Mrs. BOXER. Mr. President, I have been amazed at the first 100 days of the Bush administration in relation to the environment issue. When I say the environment, I don't just throw that word out. I am talking about air, I am talking about water, I am talking about drinking water, I am talking about parks, and I am talking about cleaning up Superfund sites and brownfield sites. The fact is, we have a situation on our hands that is going to be very dangerous for our people.

Why do I say that? I say that for a couple of reasons. First of all, we see rollbacks on very important issues. We have all heard about the President backing off the pledge he made in the campaign to deal with CO<sub>2</sub> emissions which cause major problems in air quality. We know he has backed off that.

We saw him evaluate a number of rules that were put in place under the Clinton administration. The one that I cannot get over—there are a number; I don't have time to get into them—is the one dealing with arsenic. We know a few things about arsenic. It is unsafe at any level. We know for a fact that at

the current level of arsenic that is allowed in our drinking water, if you drink out of that water supply, 1 out of 100 people will get cancer—not may get cancer, not might get cancer, but will get cancer. We know this to be the case.

Yet this administration, in violation of the law, in my opinion—that will be tested in the courts—reversed the Clinton administration rule on arsenic to reduce the parts per billion that would be allowable, where the Clinton administration had gone from 50 parts per billion to 10 and he put us back at 50 parts per billion.

Let me list some of the countries that have a standard of 50 parts per billion. I will give you an idea of the countries that allow 50 parts per billion of arsenic: Bahrain, Bangladesh, Bolivia, China, Egypt, India, and Indonesia. That is an example.

Let me list some of the countries that have the 10 parts per billion: European Union, Japan, and Jordan.

I have to say that we owe our people safe drinking water. If we owe them nothing else, we can argue a lot of things, but the Federal Government needs to make sure that our people are safe.

What we have is a rollback on a number of fronts. I am just talking about the arsenic one today. There are others. I will save them for another day. But in addition to this, in order to pay for his tax cut to the wealthiest people who do not need it, those over \$300,000 and \$400,000 a year, those over \$1 million, \$2 million, or \$1 billion a year, in order to pay for that tax cut, some of those people are going to get back a million dollars a year. This President has cut back environmental enforcement.

Let's take a look at the key cuts that he has put in his budget. The Environmental Protection Agency, a \$500 million cut; the Interior Department, a \$400 million cut. The clean energy and nuclear contamination cleanup—you have DICK CHENEY out there saying we need more nuclear power. He has not even figured out a way to clean up the nuclear waste we have. They have cut \$700 million, and they want more nuclear power, which is dangerous. There is a conservation program in the Agriculture Department. They cut that \$300 million. So we see a total of \$1.9 billion in cuts to pay for a tax cut that favors the top 1 percent, leaving out 99 percent of the people.

What does that really mean? What does it mean when you cut environmental enforcement? Let me get into that. It is very serious. What happens is, we are going to see fewer inspectors out in the field and fewer technical exports on the ground. We are going to see that the Federal Government will no longer be able to be a watchdog for some of the most serious threats to public health and the environment.

I want to give examples because people have seen the movie "Erin Brockovich." We all saw what hap-

pened to people in a small town in California when that particular water system had an excess of chromium 6, which is, by the way, very dangerous. It is very lethal. By the way, there is no Federal standard for chromium 6 in water. I have a bill that would place into law a Federal standard, but we hear silence from the Bush administration on that. Instead of looking at the new threats, they are taking the old threats and making them more threatening, such as with arsenic, by rolling back the laws.

When the American people know about this, I think they are going to be very upset. You should not have to be able to afford bottled water in this country to be safe. You should not have to worry that your child is going to get cancer as a result of drinking from the water tap.

Oh, they say, it costs money to clean it up. As my kids would say when they were young: Dah. Yes, this is so. It costs money to clean up an environmental problem. Do we have it? Yes, we do. Why not cap the tax refund people earning over \$1 million will get? Every year they earn \$1 million. Cap their tax refund. Take the money and clean up the water. Get the arsenic out. Help the local people.

Mr. President, I ask unanimous consent for 4 additional minutes.

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

Mrs. BOXER. But, no, let's look at these priorities. The President wants to bring an education bill to the floor. My colleague from Massachusetts is our real leader in the Senate, and he is going to talk about it. There are some good ideas that have been carved out between the parties. There is not enough money behind it. It is a false promise.

A kid takes a test and fails the test. What are you going to do for the kid? You can test him every 6 months. Why not test him every 2 months? What good is it if there is no one available to help that child learn? So when the President says, "Leave no child behind," where is the beef?

When you look at the environmental budget—and you have to remember the President stood in front of some beautiful lakes and streams and rivers and said he was an environmentalist—how can we have prosperity when our environment is dirty? Yet we look at the budget, which includes the priorities of this President, and you see nothing but destruction.

I have seen it happen in California in El Segundo. We had a refinery that was releasing air pollution that aggravated very badly those suffering from asthma. People were very sick. There was a lawsuit that was brought. EPA supported it. Why? They had enforcement capability.

Chevron's own records show that it simply did not use the pollution control technology that was required. There was not any new innovative technology. It was already approved.

They agreed to a huge settlement, one of the biggest in history. Because of the Environmental Protection Agency, the people got help. Chevron is going to help build and operate a health clinic to take care of those people who experience health problems.

EPA has the legal authority needed to ensure that serious violations are stopped and that polluters are held accountable—which can help deter a company from disregarding environmental protections in the future. EPA's legal authority and resources are most often needed in cases like this one, where the issues are very serious and the company has substantial resources. It was not until the Federal Government filed suit against Chevron that the company agreed to comply with the law.

In another example, the United States, including EPA, Department of Interior, and Department of Commerce, as well as several California state agencies, reached settlement worth an estimated \$1 billion with Aventis to clean-up the Iron Mountain Mine located near Redding, CA, in October of 2000.

The State of California requested help from the Federal Government in this enormously complex case explaining that they had "exhausted all practicable enforcement action against the potential defendants."

Prior to the settlement, this mine discharged an average of one ton of toxic metals per day into the Upper Sacramento River, a critical salmon spawning habitat and a central part of California's water system. As recently as 5 years ago, the site dumped the equivalent of 150 tanker cars full of toxic metals into the Sacramento River during winter storms. At one point, workers had left a shovel at the site in a green liquid flowing from the mine and it was half eaten away over night.

I have a photograph of a disposal area on the site that gives you a feel for just one part of the damage at this very large and complex site.

This site dumped approximately one quarter of the total copper and zinc discharged into our nation's water from industrial and municipal sources throughout the United States.

This case is another good example of the kind of cases a strong EPA enforcement program is needed for—sites that are large, that can overwhelm State programs, even in a State with a well developed and active environmental program like California, and sites with very large corporate interests involved.

When you take a close look at EPA's past enforcement efforts you see who benefits from cuts in enforcement. Serious polluters can take big hits to their pocketbooks when they are caught. A cut in enforcement is worth a great deal to these violators, but enforcement cuts come at the expense of public health and safety as well as the environment.

The President's proposed budget cuts the heart out of agricultural conservation programs, like the Wetland Reserve Program which is eliminated—cut from \$162 million in fiscal year 2001 to \$0 in fiscal year 2002. This program was first authorized in 1990, during the first Bush administration, to provide long term protection for wetlands.

The President has collected an incredible assortment of cuts in environmental protection—all sources for the tax cut that fails to take into account the priorities of the American people, like conservation and environmental protection. Before deciding on what the "right size" of the tax cut should be, the President should consider the impacts of these cuts. California provides some valuable examples of the conservation benefits we will lose if the President's budget cuts are implemented.

The Wetland Reserve Program in California has helped restore a portion of the 4.5 million acres of wetlands lost to agricultural conversion and development in our State. In addition to providing habitat for migratory birds, other wetlands restoration benefits include improvement of water quality, flood control, sediment abatement and recharge of groundwater. California is the primary path of the "Pacific Flyway"—approximately 20 percent of all waterfowl pass through California's Central Valley. At the present time, the federal Wetland's Reserve Program, zeroed out in the President's budget, is the largest wetland protection program in California.

More than 60,000 acres to date have been protected in this program in California. There are more than 100 applicants on a waiting list to protect and restore their agricultural lands. One of the strongest parts of the program are the partnerships with not-for-profit organizations like California Waterfowl and the Nature Conservancy, as well as the private landowners themselves.

I have a photograph of one of the successful restorations accomplished by a conservation easement under the Wetland Reserve Program. The site is in Colusa County, CA and was enrolled in the Conservation Reserve Program in 1992. It is approximately 195 acres of seasonal wetlands that provides both winter and brood habitat for migrating and nesting waterfowl, shorebirds, migratory songbirds, and other wildlife. This easement is part of a 1,000-acre complex of wetlands and upland nesting habitat adjacent to the Sacramento River and lies in the middle of the largest migratory waterfowl corridor in North America. It is owned by the Audubon Society and acts as a sanctuary for wildlife.

Given the value and community support for agriculture conservation programs, I simply cannot see how the President can justify eliminating these kinds of programs to increase his tax cut.

Mr. President, let me sum up. We have a tax cut that was plotted as a

campaign promise 2 years ago because Steve Forbes was in a debate with George Bush and said: I am for this \$1.4 trillion tax cut. Times have changed. The economy has turned around since George Bush has become President. We have problems. People are not optimistic about the future of this country.

What does that mean? It means that a sensible person—this is my view—would sit back and say: I want to do this, and it is on my agenda, but maybe I can't do it all at once. Maybe I will cut it in half. Maybe I am going to invest in the people, invest in children, so that we have an afterschool program for every child, so that we have safe drinking water for every child, so that we know people are not going to get sick from air pollution.

We talk about our kids. Every one of us cares about kids. That is one of the reasons we are Senators. Do you know the leading cause of admissions in hospitals for children is asthma? They miss school. So you have to connect the dots. If you take out massive sums of money that you are going to transfer to the top 1 percent of income earners, forgetting 99 percent—everyone else—really, you have given 43 percent of the tax cut to the people in the highest income, and then you say you do not have any money to enforce the Clean Air Act or the Clean Water Act. You roll back the laws on arsenic. You take away the money to clean up nuclear contamination, while you are calling for more nuclear plants. You bring out an education bill that is so short of money that it is an empty promise and an unfunded mandate for our States. It is an unfunded mandate because we are forcing them to test, and yet we do not have enough to help those children.

Connect the dots. If you build a budget around an unrealistic, dangerous tax cut, it is going to take us back to deficits. You are not going to be able to pay down the debt. You are not going to be able to do the basics for our children. You are not going to be able to clean up the environment. And you have a problem. It is no wonder this economy is a little at sea, because this budget does not add up and it does not make sense.

Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I would like to spend a few moments this afternoon to bring our colleagues up to date on where we are on the Elementary and Secondary Education legislation. Over these past 2 weeks we have had an ongoing exchange of ideas and views with the administration and our colleagues. We have been trying to continue to find common ground and to make important progress.

We are very much aware that this is an issue that is not only a high priority

for the President of the United States, but also that it is a high priority for every family in this country, and certainly among the highest priorities for those of us on this side of the aisle.

We welcome the fact that we have a President who has placed education at the top of his agenda. Eight years ago when the Democrats lost control of the Senate, one of the first actions the Republicans took was to rescind some of the funding of elementary and secondary education. We also fought against attempts by our Republican friends to abolish the Department of Education. But that was then and this is now. We welcome the opportunity to find common ground so we can move ahead and make a difference for the children in this country and for the families across the Nation.

As we start off our debate on this issue, we have to understand the importance of preparing a child to learn, even prior to the time they enroll in elementary school. This is an area of very considerable interest on both sides of the aisle.

Our colleague from Connecticut, Senator DODD, has been a leader on these children's issues. Senator JEFFORDS has made this a special area of concern. And Senator STEVENS has been very involved in early intervention for children. It is enormously important to continue to ensure a national commitment to have the nation's children ready to learn, as we did and as the Governors did in Charlottesville some years ago.

I am hopeful we will be able to do that in a bipartisan way in Congress with solid legislation. We still have a ways to go, but we have made progress. We also have to understand the very serious and significant gap that still exists with regard to preparing children for grades K through 12th.

We are still falling behind. We fund Early Start programs at approximately 10 percent for the earliest types of intervention. And for programs from birth to 3 years of age, we are down to either 2 or 3 percent. This is an area of enormous importance. We are trying to help many children across the nation with this program. Hopefully, it will make a difference.

Unfortunately there are going to be many children who will still fall through the cracks unless we come back to revisit public policy and resources for early intervention programs.

It is all part of a mosaic. We must give our full attention to these efforts which are extremely important in preparing children for elementary school.

I was disappointed that the administration zeroed out a very modest downpayment in the Early Child Development Program that had bipartisan support in the 106th Congress from Senator STEVENS, Senator JEFFORDS, Senator DODD, Senator KERRY, many others on the Health Education Labor and Pensions Committee, and myself.