

the drought and other natural disasters have had in recent years.

The President was right when he said this country has many challenges. He was right to say we cannot ignore them and that we should not pass them on to future generations. To prevent that from happening, we need to work together. We need to make sure what is promised is done. Only then will we be able to reduce America's anxiety and truly strengthen our Union.

I yield the floor.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. Mr. President, I certainly publicly acknowledge the statement made by our leader. I approve of the statement, as does our Democratic Caucus, and would simply say we look forward to working on a bipartisan basis with the President. There are a lot of things we need to do, but this is a democracy and we have to act accordingly. So I look forward to working with the President on all of these issues about which the Democratic leader spoke.

#### TITLE IX

Mr. REID. The time is now mine, and I want to talk about something that is real important to me, important to the State of Nevada, and the country. I do not think it would be a stretch to say this administration does not have a good record on protecting civil rights. Republicans say they are for diversity, but they are fighting against policies that promote diversity. Embarrassed and on the defensive following recent events that focused attention on the Republican Party's position on civil rights, the President and other prominent Republicans professed a new willingness to support efforts to expand opportunities for all Americans.

Unfortunately, they have not taken any action to suggest that they have a sincere change of heart. In fact, to the contrary, the President has recently opposed affirmative action policies that open the doors of higher education to a generation of talented and motivated minority students, and he does not oppose affirmative action that gets people in some of our best schools because they are children of alumni, that some students get into because of their athletic ability, and a lot of other issues that were not brought up in the brief the President filed with the Court.

The President has to fully fund education programs, including those targeting minority and low income students. The President has nominated and continues to nominate judicial candidates who have expressed and demonstrated hostilities to civil rights enforcement and has placed opponents of civil rights in positions of power.

Now comes the disturbing news that this administration is on the brink of attacking title IX, programs that have made America better, stronger, and fairer by enabling millions of young

women the same educational opportunities as young men. We cannot—I personally will not—let the administration do that. We cannot let this administration even think about dismantling title IX, taking away opportunities from American women, and undoing the progress we have made over the last 30 years.

Title IX of the education amendments of 1972 was the landmark legislation that prohibits sex discrimination in federally funded educational athletic programs.

In my career, as in the career of the Presiding Officer, I have had the opportunity to meet some very outstanding people. One of the people I met was a woman by the name of Molly Yard. Molly Yard was five foot two, from Pennsylvania, a graduate of Swarthmore, born in China to missionary parents. She came back to the United States when she was age 13. Having participated in athletics in China, when she came back to the United States there were no programs for girls. She always felt less of a person than she could have been for not having the ability to participate in athletics. For this woman, who later in life became the president of the National Organization of Women and was heavily involved in all kinds of activities, the one issue of utmost importance to her was title IX and having young women involved in athletics.

I met Molly Yard. I met her when she was an older woman. She was still very dynamic. Even though, after I met her, she had a stroke and was physically infirm, she was still very enthusiastic about having worked for title IX and young women, girls, participating in athletics.

EVAN BAYH, who is presently the Senator from Indiana, should be proud of his father for many achievements. All of us who know Birch Bayh, a former Senator from the State of Indiana, know what a fine man he is and what a great legislative record he accumulated while in Congress, but EVAN should be most impressed with his father for being the sponsor of title IX. In 1972, it was Birch Bayh who wrote and introduced these amendments that made title IX what it is today.

I will focus my remarks primarily on equal opportunity in athletics, not the whole statute.

As a sports fan, I love athletics. As a young boy, my dream was to be a professional baseball player, but I was not good enough. So I am a Senator instead. As an avid sports fan, I wake up in the morning and the first thing I do is read the sports page. I do it because there is always good news on the sports page. People may not always be happy with the outcome of athletic events, but there is always something good happening on the sports page; somebody won this or won that.

I enjoy very much going out to our university campuses in Nevada. I live in the southern part of the State and go to UNLV most of the time to watch

girls athletics. I love to watch softball. I don't know how many people watch college level or high school level girls softball, but it is so exciting. I hope I don't offend JIM BUNNING, but it is more exciting than baseball. It is quick and fast.

I have had the opportunity to watch some great athletes play softball. Lori Harrigan pitched and won games in two successive Olympics. I recently had a thrilling experience with a young lady named Nicole Truax, an intern from the University of Nevada at Las Vegas, a pitcher on one of their softball teams. I love to talk to Nicole. When she was 12 years old, her father could no longer catch her ball. She threw the ball so hard that her dad could not catch it.

That is what girls athletics is all about. I went to a UNLV girls basketball game recently and I went into the locker room afterwards and talked to them about title IX, about the reason they can participate in athletics, because of a law we passed in Congress.

On the high school level, I recently visited Gorman High School and watched Gorman High School play. The main reason I went was one of my friend's two girls play. They are both athletes, Danielle and Jackie Bates. They run track and play basketball.

I recently visited with and helped present some awards to the Green Valley High School golf team. This golf team set a national record for consecutive victories. On October 1 of last year they broke the record of 128 straight duel match wins by completing another unbeaten season, extending the streak to 133 over 11 years. Girls playing golf; they won the State championship last year by 70 streaks. That is what girls do in athletics.

Before title IX, it was rare to see girls and young women playing sports. Even if they wanted to play and were tall, they could not play in organized competitions because high schools and universities did not have women's teams. When I was in high school, my wife, who I am sure was more athletic than I, could only be a cheerleader. She could not play basketball. Of course, she is only 5 feet tall. There are a lot of 5-foot tall basketball players in women's sports. In those days, a young lady could only become a cheerleader; there were no other athletic competitions for her.

My oldest child is a daughter. Title IX was just coming into being. Programs were very sparse when she was in school and she did not participate in athletics. All my four boys participated. There were programs all over for them.

Thanks to title IX, women today have a much broader range of athletic and educational opportunities at all schools in Nevada and all over America. It has helped to dramatically increase participation in sports among female students. Since the implementation of title IX, there has been an already tenfold participation in high

school sports for girls. Now, there are 3 million girls participating in athletics. At the college level, the number is 150,000 athletes. This shows if you build it, they will come. Girls and young women have a high level of interest in sports and have embraced the opportunity to participate.

This dramatic increase in women participating in athletics has taken place even though women athletes still do not get equal treatment or equal funding that boys and men get. At schools in cities and towns and communities across the country, the boys who play sports are worshipped as heroes and get fancy uniforms, sometimes two or three seats for each player, new training facilities, and the best practice fields and games and an expensive travel budget.

I am sure women, before title IX, would have welcomed a chance to play on any school team, even if it meant wearing an old worn-out uniform, playing at less convenient times. But for girls it is not enough just to play. They deserve equal treatment. That is the law. Despite the inequality and unfairness, girls and young women participate in record numbers.

Remarkably, some critics of title IX trot out old stereotypes, claiming that women are not interested in sports. That is simply not true. The statistics show otherwise. The participation rate of girls in high school athletic programs since 1992 has increased 800 percent. There are five times as many women in college athletics.

We all know young men are actively pursuing opportunities to play sports. They see Michael Jordan and they want to be just like Michael, to jump to new heights. Girls also admire women who are successful in athletics, such as a Mia Hamm or a Julie Foudy, who played on our World Cup championship team, or Sheila Leslie, who plays basketball, or Gail Devers, who can run faster than most men in the world. That is whom they admire. And even though there are the Greg Madduxes and Steve Youngs men admire and respect, there are women athletes whom young women aspire to be like, such as Tasha Schwikert from Las Vegas, still in high school, a gymnast who is ranked No. 1 in the country and fifth in the world. It inspires other young ladies. They see Serena and Venus Williams shining on the court and ask, Why not me?

Last summer, the Secretary of Education announced the appointment of a panel to study title IX. It would have been great if he called for a review of how better to enforce the law, but he did not. Although no one in the administration dares to criticize title IX, and Secretary Paige praised it, they are poised to gut it. American girls and young women must be thinking that with friends like these, who claim to follow the law and like the law but are acting to undermine it, who needs enemies.

This week, the President's Commission on Opportunity in Athletics is

holding its final meeting and will soon make recommendations that threaten the achievements American society has made because of title IX. It would be better entitled the President's Commission to Prevent Opportunity in Athletics.

I am deeply concerned about the stealth attack on women. If the President agrees with recommendations of this Commission—which, by the way, is heavily weighed by very large schools with great big football programs—he can make revolutionary changes. Even though Congress and the courts and the American people and women and men have consistently supported title IX, he could do this, but it would be wrong.

Yesterday, new data released by the Women's Sports Foundation found that the proposed changes being made by the President's Commission could result in a loss of as many as 931,000 opportunities for girls to participate in high school sports each year. Is this bad or wrong? Of course.

What are some of the facts about title IX? What is it and what is it not? No. 1, opponents of title IX claim they are in favor of title IX but not as policies. They certainly do not want to jeopardize men's athletics. No. 2, in reality, nothing in the law or policy requires schools to set aside a certain mandatory number of slots for athletics. In fact, every court that heard this argument has said title IX does not require quotas.

No. 3, then, means title IX is not a quota system. Although one way a school can comply with the law is by ensuring the percentage of male and female students is about equal—the race of men and women in the student body is not the only way you can do it—there are many other ways.

For example, schools can comply with title IX simply by showing it is trying to expand opportunities for female athletes or that it has accommodated interests of female students at the school, whatever the number of opportunities it provides. One proposal apparently being reviewed allows colleges and universities to limit the number of scholarships awarded to female athletes. Regardless of how many women are enrolled, a school would be allowed to limit women to just 43 percent of college scholarships. Why? On average, women comprise 53 percent of the student body's division 1 colleges at the top level of competition, but they are only 41 percent of the athletes.

For most Americans title IX is synonymous with our efforts to provide girls and women an equal opportunity to participate in sports, but title IX addresses a whole range of important programs and issues related to education. In fact, only a small fraction of the title IX complaints received by the Department of Education's Office for Civil Rights are related to athletics. Maybe that is too bad, but it is a fact.

Title IX also has helped to provide women with equal access to higher edu-

cation. Years ago, many universities excluded or severely restricted women from admission to certain programs. Now, however, the percentages of women enrolled in American law schools and medical schools are approximately the same as for men.

Unfortunately, according to reports recently issued both by the National Women's Law Center and the National Coalition for Women and Girls in Education young women continue to be subject to persistent gender segregation and discriminatory counseling in high school vocational and technical education programs at American high schools. They are often steered toward programs like cosmetology, health aide preparation, and child care training all of which lead to lower paying jobs while male students congregate in programs leading to higher paying careers in technology and the trades. This has significant negative implications for women's employment prospects and earning power.

We need to vigorously defend and enforce title IX in all of the areas it covers, so that we can sustain and expand upon the progress we have made. We need not to weaken the programs but to strengthen them.

We need to recognize the importance of title IX in opening educational opportunities for women in math, science, engineering and technology and examine the underrepresentation of female students at both the secondary and post-secondary levels in traditionally male areas of study such as physical science, engineering and technology programs, and the barriers that women continue to face in these programs.

I am concerned that if the President takes steps to deny girls and young women equal opportunity in athletics some will see that as a message that it is also okay to chip away at other laws and programs that protect women and promote fairness.

We need effective title IX enforcement—not weakening—to ensure women have the same opportunities as men to participate in science and technology programs and classes.

While we should be happy with all the progress we have made providing girls and women with opportunities previously denied them, we must continue our efforts to promote gender equality because the job is not complete.

Programs that have proven so effective in helping girls and women are under assault from critics who would like to turn the clock back.

We cannot allow these challenges to succeed—and we will not.

The girls and women playing sports now, their "soccer Moms" and "basketball Dads" will not tolerate a reversal of title IX—and neither will those of us in Congress who advocate equal opportunity for women.

We must continue to encourage participation in sports and provide girls and women the same opportunities

that boys and men have traditionally had. Athletic training and competition have the same benefits for females as for males: teaching them not only how to score goals but also how to set goals—and work hard to achieve them, promoting cooperation and teamwork, developing leadership skills, and instilling self-confidence.

Mr. President, I have had the opportunity to serve in the Senate with two great athletes, two Hall of Fame athletes. One is Bill Bradley, who until recently was a Senator from New Jersey. What a fine man he is. A lot of his greatness was as a result of his athletic abilities.

Senator JIM BUNNING from Kentucky, with whom I have had the pleasure to serve and get to know, is a member of the Baseball Hall of Fame, as Senator Bradley is of the Basketball Hall of Fame. JIM BUNNING is here for a lot of different reasons, however most notably, this man, as he went through his baseball career, developed this tremendous confidence. Anyone who knows JIM BUNNING knows of his tremendous self-confidence. That came as a result of his athletic prowess, ability, and hard work. That is what athletics is all about, and it works for women as it does for men.

At a time when far too many American youth lead sedentary lifestyles and are obese, we must support programs that lead to improved fitness and health. Adolescent female athletes are more likely than non-athletes to develop a positive body image and less likely to become pregnant. They also are at less risk for diseases and health problems that afflict women like osteoporosis or breast cancer.

In addition, sports provide a safe and health alternative to drugs, alcohol, and tobacco, and to anti-social behavior. Students who participate in these programs feel a greater connection to school, have an additional incentive to attend classes and keep their grades up so they can maintain their eligibility.

I am disappointed, if not surprised, that some critics would like to halt this progress. They are making misleading and unfair criticisms of title IX. We are watching what this commission does this week in Washington.

So while we remain vigilant against attacks on title IX, we must also push for its continued implementation and enforcement, and the only changes we will allow will be changes for the better.

Often, we hear that girls and women are the beneficiaries of title IX. I'm sure they are. But I think it is more accurate to say that we all benefit from this important civil rights legislation. Certainly, American society as a whole is better when women—who after all make up more than half of our population—are provided a fair and equal opportunity to develop their full potential.

#### ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that the time between 1:30 and 2 be under the control of Senator HOLLINGS; the time between 2 and 3 be under the control of the majority leader or his designee; the time from 3 to 3:15 be under the control of Senator HARKIN; the time between 3:15 and 3:30 be under the control of Senator CORZINE; the time between 3:30 and 4 to be under the control of the majority leader or his designee.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. 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. FRIST. Mr. President, I understand we have the next 30 minutes on our side in morning business.

The PRESIDING OFFICER. The majority leader is correct.

#### REFLECTING ON THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. FRIST. Mr. President, I rise to very briefly comment on the President's message last night and to initiate my own reflection, which I hope to have the opportunity to continue over the next several days and weeks as we respond to the vision that he painted for us in a very eloquent, very direct, and very focused way last night.

Last night, the President said we will not deny or ignore or pass along today's problems to future leaders and future generations. He said we will confront them head on, we will confront them directly, we will do it with clarity, and we will do it with courage.

He is right. We have much to do. And our success in this body very much depends on our own focus and our own clarity and our own courage.

Let me begin with health care—specifically, this whole issue of Medicare, strengthening and improving Medicare and prescription drugs.

Last night, the President made it clear that if seniors and individuals with disabilities are satisfied, if they like and are pleased with the Medicare coverage they have today—the way the Medicare system works for them today—that they will, in this vision that he paints, have the option of not changing anything, for keeping it just the way it is. Remember, about two out of three of our seniors and individuals with disabilities today do have some prescription drug coverage. Many of those individuals may say: I don't want to change anything.

He also made it clear—and this is what is exciting to me as a physician and as one who has taken care of thou-

sands of Medicare patients—that seniors and individuals with disabilities should have another option, another alternative. That is best understood by saying they will have an opportunity to choose from among a menu of options, much like BILL FRIST does as a Senator or Senator KIT BOND from Missouri does or Senator HAGEL or others.

We hear from the other side of forcing people into HMOs. Let's make it very clear that the option the President began to spell out last night—that I believe in heartily—is that we should give seniors the same options we have to choose from among a variety of plans, not just HMOs, as the other side of the aisle comes back to because they know HMOs are demonized today, but an option of coordinated plans which include prescription drugs.

Nine million Federal employees have this option for a type of care that we all consider very good, that does allow us to choose our own doctors, if you choose such a plan. And those are the sort of options that will be made for seniors. It works for us. It works for 9 million employees. It works for our staffs. So don't seniors deserve the same opportunities?

It is going to take real courage for anyone to tell Americans they should not have the same options that we have, which is the President's proposal: to give those same opportunities to seniors and individuals with disabilities.

Opponents of choice in health care for seniors are saying the President's plan forces individuals to give up their doctors, their family doctors, or forces them to use a particular physician. Indeed, if a senior so chooses to go that route, maybe for larger benefits, higher prescription drug coverage, that may be one route to going in, but that is not what we necessarily have to do. We have that broader choice. To say that people are going to be forced into plans where they have to give up their physicians, that is not what happens to 9 million Federal employees unless that is what they choose to do. I am in the same program, and I choose my own doctor.

What we are hearing is a lot of the same old, tired rhetoric. And it really comes down to scare tactics. When we last talked about Medicare, improving Medicare, in the Senate, this word, "Mediscare," became popularized because that is what people saw, that is what the rhetoric resulted in.

Indeed, some people are using these "Mediscare" tactics to frighten seniors and to create anxiety and insecurity. It is time for us to pull together, in a bipartisan way, to elevate the discussion well above that.

The pursuit of these scare tactics results in nothing but fear and anxiety. Our seniors simply deserve better.

The President talked about the Federal employees' health care program as one model. Under that model, there is a strong public-private partnership where you get the very best out of the