

to the trade package currently under consideration on the Senate floor.

In order to accommodate additional discussion, I ask unanimous consent that we proceed in morning business until 2:30, with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### STUDENT LOANS

Mr. DASCHLE. Mr. President, I want to talk briefly this afternoon in morning business about a matter that I know is of great importance to a number of people across the country, an issue that was the subject of some discussion in the health committee just this morning.

Students are borrowing too much, and students are working too much in order to finance rising college costs.

Sixty-four percent of all students borrow Federal student loans to finance a college education today. The typical undergraduate student graduates with about \$17,000 in Federal loan debt.

Student debt is skyrocketing. As a result, many students find themselves saddled with unimaginable levels of student loan debt and experience difficulty in repaying their loans. An estimated 39 percent of all student borrowers today graduate with unimaginable student loan debt.

The administration, in late April, proposed to exacerbate the current circumstances in ways that were inexplicable to many of us. They proposed to raise student loan interest rates for consolidated loans by changing the consolidation loan interest rate from a fixed to variable rates. This proposal has come along, as I noted, when millions of students are struggling to pay for college.

According to the Department of Education, the typical borrower now graduates with almost \$17,000 in Federal student loan debt, as I noted a moment ago. And more than half of all Pell grant recipients graduate with student loan debt as well. The typical Pell grant recipient who borrows graduates with almost \$19,000 in loan debt.

The Office of Management and Budget, on April 25, released a third "Offset Options for the Supplemental" appropriations bill that is currently pending in the House. Many of us were intrigued with the offset option that they chose to use involving student loan consolidation. I will quote from the document. It is under the category "For \$1.3 billion for the Pell Grant shortfall, Student loan consolidation proposal." And they stipulate that would raise \$1.3 billion. Now I am quoting from the OMB document:

Changing the interest rate formula from fixed to variable is a good thing as fixed rate consolidation loans: can result in significant Federal costs; have higher average costs to borrowers; needlessly penalize borrowers who

consolidate their loans when variable interest rates are high; and, can have a destabilizing effect in the guaranteed loan program.

The proposal that the administration made through the OMB would cost the typical student borrower \$2,800, and the typical Pell grant recipient, who borrows, \$3,100 over the life of their loans.

So in order to raise that \$1.3 billion for which they are proposing to offset, in part, the costs of the supplemental, what they want to do is charge the typical borrower an additional \$2,800 and the typical Pell grant recipient \$3,100 over the life of the loan.

Senator KENNEDY has held a hearing this morning. We were very pleased that the administration appears now to have had a change of heart, for they have announced they are reversing their position. They now recognize that this was a major error and that they will now no longer adhere to that offset as they look to ways in which to find the money to pay for the supplemental.

We are very pleased with the administration's announcement that they will not advocate this additional burden on students, both for student loans as well as Pell grants.

But I must say, I thank the distinguished chair of the HELP Committee for calling this to the attention of our colleagues, for calling it to the attention, really, of the educational community. Because of his stalwart advocacy, and the extraordinary attention that this issue has generated over the last couple of weeks, I am not surprised that the administration has now had a change of heart.

This was not a good idea. And, obviously, they have now come to that conclusion as well.

So it is good news for students. It is good news for education. And it is especially good news for those advocates, as Senator KENNEDY has personified, who have called for this change of heart from the day it was announced.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to preface my question with this observation: Under the leadership of Senator DASCHLE, there were 46 Members of the Senate—under his leadership and Senator REID's, and others—who wrote a letter to the President some 10 days ago, recognizing that if this policy of the administration went ahead, it would be like increasing taxes for the average working family by \$3,700. That would be the average increase if they did not consolidate. It could go as high as \$10,000.

I am wondering, I did not hear that we ever received a response to that letter requesting the deferral of that action.

As Senator pointed out, I think all of us in this body want to, first, give the assurances to young people in college that we are going to do everything we possibly can to make college affordable.

And this is my question to the leader: Doesn't the leader believe that we have a real responsibility to do everything we possibly can to make sure college is going to be more affordable for working families and for the middle income, and that we are also going to stand to make sure we meet our commitment we made to the American people and to the schoolchildren with regard to the early education bill, that we are going to try to meet our commitment to those students, to the families, to the parents, and to the local communities as well?

I am interested in hearing, as the majority leader of the Senate, how important you think it is that we continue the effort to ensure we are going to make the dreams of our young people attainable—through quality education in K-12, and through higher education—and how strongly the leader is committed to doing that, after thanking the administration for changing their position.

Mr. DASCHLE. Mr. President, no one knows more about the commitment we have made to the students who want to be involved in higher education than the distinguished Senator from Massachusetts. He can probably tell us the very day it was done. But in recent times, we have increased the cap, the availability of resources through both loans as well as the Pell grants to students in order to accommodate their additional costs.

We have recognized that their costs continue to go up. We have recognized how serious the financial problems are that many of these students have experienced. As a result, we have increased the caps. That is why the original OMB decision is so mystifying. Because as we raise the caps, if we raise the cost, then we have not done anything to help the students, so we have made this raise in eligibility for additional assistance virtually meaningless.

I might say, there is a trend here because that is basically what we did with the No Child Left Behind Act as well. We provided more opportunities for students in many respects, but then we underfund by more than \$1 billion the resources we should be providing to ensure that act is fully funded.

So there appears to be rhetoric, and then there is the reality. There is the rhetoric, and then there is the resources. The rhetoric is: We want to help all these students. The rhetoric is: We don't want to leave any child behind. The reality is, we do not provide the resources to see that it happens—whether it is an OMB decision on student loans or the decision that the budget implies on the part of the administration to fund the No Child Left Behind Act.

Ms. STABENOW. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Michigan.

Ms. STABENOW. I would like to thank the leader personally on behalf of hundreds of thousands of students

and their families in Michigan for his leadership on this issue. And I also thank the Senator from Massachusetts for his leadership.

When I first heard about what the administration was proposing, I was astounded. I received calls from so many students and families in Michigan.

We all know, as you indicated, that Pell grants are important, particularly to lower income students. But so many middle-income families rely on the loan program, and rely on the ability to receive the lowest possible interest rate in order to be able to send their children to college.

I have to say, on a personal note, having had a son go through college and a daughter who is now in college, for myself with loans, I certainly appreciate what families feel.

When we saw the proposal to increase, essentially, the interest rates, it was nothing more than a tax on the ability of young people to be able to go to college and pursue the American dream. And we all certainly have a stake in making sure we do that.

So I thank the majority leader for his leadership. I know that the Senator from Massachusetts, as well, has been vigilant.

It is good news that they have appeared to change their minds, but we certainly know that minds can be changed again. As we go through this process, I know we will all stand together to make sure that this is an area we do not touch. I cannot imagine something more important than making sure the young people, the adults, and families of this country have the opportunity to get the skills they need to be successful in our economy. I am proud to stand with the majority leader in support of this goal.

Mr. DASCHLE. I thank the Senator from Michigan. She has been a tremendous advocate for education ever since the day she was sworn. I am grateful to her for her engagement and her willingness to continue to work with us. She was one of the signatories on the letter the Senator from Massachusetts has referenced. I thank her very much.

She made an interesting point. She said, what the administration has decided could be decided in another direction at some later date, and we might find ourselves in yet another set of circumstances involving the very same problem; that is, the rhetoric versus the reality, the rhetoric versus the resources. We will be going into appropriations. I worry about the rhetoric versus the resources once again. Are we going to be able to ensure that we can provide the commitment to students at all levels, that the resources will be there to match the rhetoric that we hear coming from the administration with regard to their commitment on education? I have my doubts.

We have at least two instances now so far—the student loan issue as well as the no child left behind question—where the rhetoric has far exceeded the results and the reality and the re-

sources. I appreciate her comment in that regard.

Mr. DAYTON. Will the majority leader yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Minnesota.

Mr. DAYTON. I had been traveling around Minnesota a couple years ago while seeking this office, and I was stunned by the increasing number of students who were relying on loans and by the increased amount of money that undergraduates and graduates were building up in debt before they even got their first job in the workplace. It is \$25,000 for somebody attending a 4-year public institution in Minnesota; \$50,000, even in a couple cases over \$100,000, for people who have come out of graduate programs. Have you had that same experience in South Dakota in the last few years?

Mr. DASCHLE. The Senator from Minnesota is exactly right. I don't know what the amount is in South Dakota for the typical student, but the typical student nationally now graduates with about \$17,000 in Federal loan debt. My guess is, it is somewhat lower in South Dakota. I have talked to a lot of students who are very concerned about paying off that debt, very concerned about the debt service they have to pay on a regular basis when they graduate. This is something about which they are very concerned. Thirty-nine percent of all student borrowers graduate today with what is termed an unmanageable student loan debt.

There is no question, this is a matter that is of increased concern to students all over the country, especially those in the Upper Midwest such as Minnesota and South Dakota. This is why we were so mystified when they said, we are going to ask students, on top of all the debt they currently have, to pay an additional \$2,800 for a typical loan or \$3,100 for a Pell grant recipient. I can't imagine how we would want to exacerbate their problems by adding even further cost on to the overwhelming loan debt that many of them already have.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. I wanted the leader to be here because he mentioned it briefly. I wanted to pick up on the fact that we have all joined in the letter sent to the President. I say "joined" because we depend on the Senator from Massachusetts for so many things. I want to see if the leader will agree—and I know he does—the Senator, as we know, has a great pedigree, but there is no one who serves in the Senate—I am not too sure has ever served in the United States—who has been more interested and more concerned about the people who have no one here to represent them.

I made a couple of notes. On seniors, we have had no leader in the Senate such as the senior Senator from Massachusetts, whether it is Medicare, whether it is prescription drugs—you

list the issues seniors are interested in, including Social Security—he is always leading the charge in that regard.

If you talk about the poor, bankruptcy, food stamps, he is always out in front, as well as on the minimum wage, Medicaid. And then when you talk about education, of course, his committee has written legislation, not the least of which is the work that was done in leaving no child behind, which is a great piece of legislation. We need to make sure there is money there. The environment, hate crimes, nuclear victims, I am so impressed with the work the Senator from Massachusetts does.

And while people come to us all the time—you certainly more than I, deservedly—about the things we have done, we usually, on many of the issues I have mentioned, take the lead from the Senator from Massachusetts.

Would the Senator agree with me that, in the history of the Senate, there have been very few Ted Kennedys who have been able to do things such as this, and every college student and parent who is paying off a loan I am sure can understand what I am saying. Would the Senator agree?

Mr. DASCHLE. In the history of the Senate, I would say there has only been one TED KENNEDY. But the point is so well taken. For 35 years, this giant of the Senate has done remarkable things, probably has more legislation attributable to his contribution in this body than anybody in recent times. We certainly recognize his many accomplishments. It is not only the level of accomplishment and achievement but the manner in which he accomplishes them that is noteworthy. I appreciate very much his calling attention to this issue as well.

This is another example. This became an issue when the country, through his committee and his leadership, was put on notice about the implications of this \$1.3 billion offset. We are very grateful to him for his work in this regard.

Mr. KENNEDY. If the Senator will yield, I am grateful to both of my colleagues for their kind and overly generous remarks. I plan to be here for a while longer.

Let me just carry on and ask the majority leader, the President, with whom we worked on education, was in southern Wisconsin earlier this week talking about the Federal Government having a responsibility. He said: Generally that responsibility is to write a healthy check. We did so in 2002; \$22 billion for secondary, elementary education, a 25-percent increase. We have increased money 35 percent for teacher recruitment, teacher retention, and teacher pay.

Does the Senator not find it somewhat perplexing that we see in this chart the Bush proposed increase for 2002 is 3.5 percent? It increased in 2002 as a result of the leadership of the Senators from South Dakota and Nevada and the Democrats. We got it up to 20 percent. The President is taking credit

for it out here in the Midwest. And now we have this year 12.8 percent. Do we find that somewhat perplexing when we have the President saying we have our responsibilities to write a healthy check? Well, the check was written and we increased it, but the Bush proposal is at 2.8 percent.

I wanted to mention, in the area which is of such central importance to educational reform, that is, having a quality teacher in every classroom, of all the educational issues, and there are many—after-school programs, the construction issues, smaller class sizes—having a well-trained teacher in every classroom was key.

The President was out in the Midwest another day talking about all the work they have done, increasing teacher recruitment, retention, and pay, 35 percent. That is represented in this \$742 million. We supported every penny of it.

Well, now, look at this fiscal year's proposed budget for the very same function. Zero. Not even the cost of living. Zero. I am just wondering; when the Senator talks about the difference between rhetoric and reality, there must be people in the Senator's own State who have to wonder about that as well. I am just, again, wondering whether it isn't important for us, as we are coming into the debate and national elections in 2002—money doesn't solve everything, but money is a pretty clear indication of a nation's priorities. I know the leader reached his hand out to the Republican leader and we passed a strong bipartisan bill that had reform. I think most of us thought we needed reform and resources.

This is enormously troublesome to me in terms of the K through 12, as the efforts by the administration are to prohibit consolidation. I wonder whether the leader agrees with me that education is a key priority and that we are going to have to watch every aspect of it as we continue through this legislative session so that we are going to meet our responsibilities to families across the country and sharing quality education, K through 12, and even earlier education and college education.

Mr. DASCHLE. Mr. President, I heard someone say the other day: You can't fool all the people all the time, but why not give it a try.

I think that is, in essence, what we find the administration attempting to do when it comes to education—simply assert that they are for it and try to fool all the people all the time. But the Senator from Massachusetts points out the problems with that strategy. You can't fool all the people all the time, when the resources simply don't speak to the reality.

That is exactly the problem the administration continues to face. The resources don't speak to the reality. The resources fall far short of the reality. We can all assert we are for education and that we are not going to leave any child behind. But I can tell you, there are South Dakota children left behind,

there are Massachusetts children left behind, and Nevada and Minnesota children are left behind. I think that is the question we are going to continue to face throughout the remainder of the year: Will we leave these children behind because this administration refuses to provide the resources? I hope not.

Today, we got a good indication that, at least in one instance, they have changed their minds. When it comes to students, they will provide the resources that match the initial reality. We have a lot more of these instances in store, but I think we have made the first downpayment in the effort. I thank and applaud the Senator from Massachusetts for doing so.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

#### JUDICIAL NOMINATIONS

Mr. ALLARD. Mr. President, last week Senator CAMPBELL and I sent a letter to the chairman of the Senate Judiciary Committee expressing our concern about the state of the judicial confirmation process. We shared with the chairman our thoughts on the serious injustice being served on the American people by the committee's failure to provide hearings for the President's judicial nominations.

It is unfortunate that the citizens of the United States must bear the consequences of the Judiciary Committee's delaying tactics. It is unfortunate that the citizens must bear the burden of delayed justice. One year ago, President Bush forwarded his first 11 judicial circuit court nominees to the Judiciary Committee. Every person in this group of nominees received a "qualified" or "well-qualified" rating from the American Bar Association. Now, 365 days later, 8 of the original 11 nominees are yet to receive a hearing. One year later, we are still waiting to have a hearing for 8 of those 11 nominees.

This weekend also marks the 1-year anniversary since the President nominated Tim Tymkovich for the Tenth Circuit Court of Appeals. So, today, 1 year since he was nominated by the President, I stand before you still hoping Mr. Tymkovich will have a hearing, still hoping to fill the 3-year vacancy in the Tenth Circuit, and still hoping that the people of Colorado, Utah, New Mexico, Oklahoma, and Nebraska will no longer be victimized by a vacant bench—a bench paralyzed by a lack of personnel to move quickly through an overwhelming caseload.

So now Mr. Tymkovich, the former solicitor general of Colorado, waits indefinitely for the opportunity to serve his country. He waits indefinitely for his opportunity to help administer the justice that our constitutional Govern-

ment guarantees. And the people of the United States wait for the Senate to fulfill its constitutional duties.

The events of the past year clearly demonstrate an active effort by the enemies of the United States to destroy the liberties and freedom of our great Nation. The most basic of our country's values and traditions are under attack. Congress has responded by enacting new laws and by providing financial assistance to businesses and families and defense. We acted swiftly to suffocate terrorists and destroy the hateful organizations that work to undermine our society.

Yet the instruments through which justice is served are being denied their chance to serve by ugly, partisan politics. For a year, Mr. Tymkovich's nomination has languished in the committee without action. Today, once again, I urge you to move forward with his confirmation. Mr. Tim Tymkovich is highly qualified and will serve his country with the utmost of patriotism and respect for adherence to constitutional principles. The committee must provide a hearing for the Tenth Circuit seat because the seat has remained vacant entirely too long.

A necessary component of providing justice is an efficient court system—a system equipped with the personnel and resources that enable it to fulfill its role as a pillar of our constitutional system of government.

The current state of judicial nominations is simply unacceptable. It has evolved into a petty game of entrenchment, creating a vacancy crisis that prevents the service of the very justice upon which our great Nation depends. The simple fact remains: Justice cannot be delivered when one of every six judgeships on the appellate level remains vacant. I will repeat that: One out of every six judgeships on the appellate level remains vacant.

It is unfortunate—perhaps even shameful—that the confirmation stalemate continues. How much longer will the American people have to wait? How much longer? Many people across the country are asking this same question and responding by urging the chairman to act quickly and provide hearings for qualified judges. The sentiment is being echoed across the pages of every major newspaper in the Nation and the State of Colorado. They all agree that the Senate must act to fill judicial vacancies and end this vacancy crisis.

Mr. President, I wish to share with you some of the statements made in the editorial pages of these papers. They all recognize that the treatment of certain Bush nominees has established a pattern of political partisanship. I ask that these editorials be printed in the RECORD upon completion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. ALLARD. The first article is by the Denver Post, dated Monday, May 6, 2002. The other article I ask to be