

have in ensuring this information about the nominee is going to be available to the American people.

I wish the best to Mr. Estrada. I agree with the characterization of the Senator from Nevada that he has been the victim of the decision made by the White House to refuse to cooperate with the Senate.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2004—Continued

Mr. KENNEDY. It is a privilege to join Senator HARKIN on this urgently needed proposal to protect the 40-hour workweek and the right to overtime pay for millions of working men and women. The Bush administration's new regulations are an unfair scheme to prop up business profits by allowing firms across America to reduce their costs by denying overtime protections to more than 8 million hard-working men and women, including 200,000 in my own State of Massachusetts. Police officers, nurses, cooks, clerks, physical therapists, reporters, and many others would be required to work longer hours for less pay.

Our amendment is very clear. It says that no worker now eligible for overtime protections can be denied overtime pay as a result of the new regulation.

With a failing economy, with more than 9 million Americans out of work, with so many other families struggling to make ends meet, cutbacks in overtime pay are a nightmare that no worker should have to bear. Overtime pay now makes up a quarter of their total pay, and the administration's proposal will mean an average pay cut of \$161 a week for them.

Hard-working Americans do not deserve this pay cut, and it is wrong for the administration to force it on them. Overtime protections of the Fair Labor Standards Act have been a fundamental right of this Nation's workers for more than half a century. This basic law was enacted in the 1930s to create a 40-hour workweek. It requires workers to be paid fairly for any extra hours. Especially in times such as these, it is an incentive for job creation because it encourages employers to hire more workers instead of forcing current employees to work longer hours.

The economy has lost more than 3 million private sector jobs since President Bush took office. The Bush administration is wrong to propose regulations that will enable businesses to require their employees to work longer hours and reduce the need to hire additional workers.

According to the congressional General Accounting Office, employees without overtime protection are more than twice as likely to work overtime as those covered by that protection. Americans are working longer hours

today than ever before, longer than in any other industrial nation. At least one in five employees now has a workweek that exceeds 50 hours, let alone 40 hours a week.

We know that employees across America are already struggling hard to balance their family needs with their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden to this daily struggle. Protecting the 40-hour workweek is vital to protecting the work/family balance for millions of Americans in communities all across the Nation. The last thing Congress should do is to allow this antiworker administration to make the balance worse than it already is.

Sixty-five years ago the Fair Labor Standards Act was signed into law by President Franklin Roosevelt and established minimum wage and maximum work hours. It was in the midst of the Great Depression, and as President Roosevelt told the country:

... if the hours of labor for the individual could be shortened ... more people could be employed. If minimum wages could be established, each worker could get a living wage.

Those words are as true in 2003 as they were in 1938. Our modern economy has lost more private sector jobs during this economic decline than in any recession since the Great Depression.

What can the administration be thinking when it comes up with such a shameful proposal to deny overtime protections on which millions of workers rely? Congress cannot sit idly by when more and more Americans lose their jobs, their homes, their livelihoods, and their dignity. We will continue to battle to restore jobs, provide fair unemployment benefits, raise the minimum wage, and we will do all we can to preserve the overtime protections of which so many American families depend.

I urge my colleagues to support this essential proposal to keep faith with the Nation's working families.

I wish to take a few moments of the time of the Senate to review what is happening to American workers in relation to other countries around the world. It is reflected in this chart. The red columns indicate the number of hours workers are working and comparing it with other industrialized nations of the world.

As you can see from this chart, American workers are working longer and harder than those in any other industrial nation of the world. That has been a phenomenon that has really developed in the recent times.

This chart shows that U.S. work hours have increased while those in other industrial nations actually decreased. The United States—we see over here the increases; and the decline in other industrial nations. So here we have a workforce that is prepared to work and prepared to work long and hard. Yet we find the administration is attempting to penalize these workers for being willing to work and for working long and hard.

This chart here is "Workers Without Overtime Protections Are More Than Twice As Likely To Work Longer Hours."

What does this chart say? That if the workers do not have the overtime protections, the employers work them more than twice what they would work if they did have the overtime protection. Why is that important? Because this particular proposal is taking away this kind of protection. The result will be that the workforce, which is working longer and harder than that in any other industrial nation in the world, is going to find they are going to have to work even longer and harder to make ends meet. This is true, even if they are working 50 hours a week. Then they are three times as likely to be required to work longer than if they had the overtime protections.

So we have a situation where we see Americans working longer and harder. We have a situation that, if they do not have the overtime protections, they are required by their employers to work twice as hard as those with the overtime protections. In the instances of those who work 50 hours a week, they are required to work three times as hard.

These are the facts. Nearly 3 in 10 employees already work more than 40 hours a week and one in five Americans work more than 50 hours a week. One in five Americans are working more than 50 hours a week. These working Americans don't have the time they need to meet their family responsibilities.

Parents today define that biggest daily challenge as balancing work and family responsibilities and instilling values in their children. When parents have more time to spend with their children, they achieve more academically, improve behavior, and demonstrate lower dropout rates.

This proposal by the administration is an antifamily proposal because it is going to deny essential resources for families to be able to meet their particular needs. The result will be all the additional social problems that impact families that do not have a chance to be together, to stay together, to work together, to pray together, to enjoy each other.

The Fair Labor Standards Act overtime protection works. Workers are compensated time and a half their regular pay for hours worked in excess of the 40 hours per week. That is what the law is. Employers have a financial disincentive to work employees excessive hours. Employers have an incentive to hire more workers instead.

As we see, that is the current law. This is the current employment situation where we see the loss of jobs for more than 3 million American workers over this period of time. So we are finding at the present time our workers are working longer and they are working harder in order to provide for their families. We have the greatest loss of jobs that we have had since the time of the Great Depression.

What this particular proposal is saying is that isn't even enough. Even though you are working longer and working harder than at any time before, we are going to take away the protections which are going to effectively deny the average family who is receiving overtime about \$161 a week.

With all the challenges we are facing in this country, the fact that workers who are working longer and harder and are making \$161 on average in overtime is not on the front burner. These Americans are working. They ought to be entitled to that protection.

We have now more than 8 million workers—2.5 million workers are salaried employees and 5.5 million hourly workers—who will lose their overtime pay under the Bush proposal. Even some who are salaried workers are eligible for overtime. This is 8 million who would be eligible for overtime who will be denied that.

Even the business community admits this will have widespread effects. According to the Society for Human Resource Management:

This is going to affect every workplace, every employee, and every professional.

This is widespread in its impact on working families in this country.

This is a chart which should give you some kind of historical perspective of the number of workers who were protected in terms of overtime. The percentage of workers who were not protected was 17 percent in 1983. In 1998, it was 20 percent. Now, under the Bush proposal—here it is—33 percent. Thirty-three percent of the workers, effectively.

It includes the 8 million who will not be eligible. The impact of this is very clear. That is sort of a major pay cut for workers. American workers are working longer and harder than any other industrial society in the world. Who are they? They are millions of workers who would lose overtime protections under the Bush proposal.

Let us be clear for any who are watching this debate. Police officers will be affected. Nurses will be affected. Cooks and chefs and clerical workers will be affected. Firefighters and physical therapists will be affected. It is interesting that these are first responders—police officers, firefighters, and nurses. They are our first responders. We are talking about trying to give support to our first responders on the one hand, and on the other hand we are taking away the economic protections they need to provide for their families.

We continue along with the various groups: Paralegals, reporters, dental hygienists, graphic artists, bookkeepers, lab technicians, and social workers.

The interesting irony is that they are our first responders. We not only fail to give support to the local communities which they need for the first responders to terrorism, but on the other hand we are sending a message to the police officers, firefighters, and nurses that

we are going to reduce their pay at the same time. What kind of message is that at a time when we are talking about homeland security?

Millions of workers depend on their overtime pay to make ends meet. The most recent statistics show that overtime pay accounted for more than 25 percent of the income of workers who worked overtime which they depend on in terms of their income. The workers are stripped of their overtime protection, and they will be forced to work longer hours for less pay.

That is what this is about. It is just a major broadside against workers in America who are working longer and harder, attempting to maintain their jobs, hopeful that they won't be dismissed or fired as a result of the economic policies of this administration which has seen the greatest growth of unemployment since the Great Depression as a result of economic policy.

The Senator from Iowa will remember when we had different economic policies. We had them during the period of President Clinton when we had the longest period of economic growth and price stability in this country since the early part of the 1960s. That was because of economic leadership at the national level. In the early 1960s, we had the longest period of economic growth and price stability than we had for better part of the century.

National economic leadership is essential in terms of ensuring the people are going to work. We have a failed economic policy with 3 million people left out of work. And for those who are left in, we are cutting back on the pay of some of the hardest working individuals in the world. That is unfair. That is unjust. It is done by the issuance of a regulation rather than as a result of legislation and hearings. It will not stand.

I commend the Senator from Iowa for his leadership in this area because he is involved in some other issues that affect working people and farmers and others on the forefront. I commend him for all he has done. I am proud to join with him in resisting this proposal because it is just wrong. It is wrong for the workers. It is wrong for our economy. It is wrong for families. This is a family issue. It is a homeland security issue. It is a children's issue. It is a women's issue because so many of these workers who work overtime in the economy are women.

Make no mistake, the women will be hurt by this proposal. They are working hard and trying to raise their families. Make no mistake about who is being impacted on this.

It has broad implications in terms of our economy. It is not right, it is not fair, it is not just, it is bad economics, and it is just lousy policy.

There are those of us who will be joining together with the Senator from Iowa to see that we resist this proposal.

Mr. HARKIN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. HARKIN. I first wish to thank the senior Senator from Massachusetts for his many years of leadership and support on issues that really affect working families in America. No one has fought longer and harder and more successfully in the past to protect the working families of America than the senior Senator from Massachusetts. I am very proud to have his support for this amendment and for his joining us in trying to do what we can to stop this assault on the American working families, as the Senator so ably pointed out.

I must say to the Senator that people ask me all the time: Why would they do this? Why would the administration, sort of under the cover of darkness, want to at this point in time, or any time, take away the protections of overtime pay for millions of Americans? I must tell the Senator from Massachusetts that I am hard pressed to answer that question. Why would they want to do this? I throw up my arms. It makes no sense economically. It is antifamily, as the Senator from Massachusetts pointed out. It is bad economic policy. We are not going to create more jobs. In fact, we will cause the loss of more jobs. I am hard pressed.

I wonder if the Senator has any ideas to help me answer constituents and others who ask me why the administration proposes an outlandish assault on working families. I am at a loss. I don't know if the Senator can help me. Maybe they have given in to some of the people in the business community. As I say, it is not all the people. Not all the people in the business community agree with us. But there are a few who are pushing.

Maybe the answer is that people in the business community just want to be able to tell their workers what to do, when to do it, and how to do it, with no restrictions whatsoever on how they tell their workers what to do and when they can work. That is the best I can come up with.

Mr. KENNEDY. The only answer I can reach is that it is the result of pressure being exerted on the administration by these business groups that do not want to be in a position of having to hire additional workers, and they don't want to be paying additional overtime pay that has been a part of the whole social balance in this country and society and recognized as such by Republicans and Democrats since the 1930s.

Forty hours of work a week is what workers ought have as an opportunity for employment. Under special circumstances, if they are going to have to work longer or want to work longer, they get the time and a half.

Now what we are undermining is the age-old concept about the importance of protecting a 40-hour week. We are effectively eliminating that. Make no mistake about it. Effectively, the 40-hour workweek will be eliminated for

millions of workers with this proposal because now employers will be able to require hours from the workers without having to give them fair compensation.

But let me ask the Senator. The Senator from Iowa is a floor manager with the Senator from Pennsylvania on this legislation which has important funding for education programs, for health programs, for job training programs, for the NIH, and all the research we are doing in terms of cancer research—all kinds of research.

Is it true that this administration has said, if their proposal—which will deny millions of workers overtime pay—is eliminated, this administration and this President will veto the underlying bill which they feel so strongly about in terms of the income of working families who are working longer and harder providing for their children; that they are prepared to risk the funding of these vital services which are absolutely at the heart of the quality of life of the American people?

Am I correct in understanding that this is the administration's position, that they feel so strongly about taking away the overtime pay for workers that they are prepared to risk the whole funding stream for education, for health, for NIH, and for job training, the range of different services that are so important to the well-being and health and education of people in this country?

Mr. HARKIN. I just respond to the Senator, he made a great point. I can only say what Reuters news agency reported 1 day ago, yesterday, saying:

The White House issued a veto threat . . . against a Democratic bid to derail its proposed changes in federal work rules that [would] cost millions of Americans overtime pay. . . .

If the Senate adopted the amendment, President Bush's advisers would recommend he veto the spending bill, the White House budget office said.

I say to the Senator from Massachusetts, this is again mind-boggling, that if the Senate expresses its will that we do not want these rules to go into effect, they are going to veto this bill that has money in it for vital basic medical research for all of NIH, the National Institutes of Health, all of the funding for higher education and Pell grants—and, by the way, I know the Senator and others have amendments to make sure we get those Pell grants up, and I support him in that effort—all of the funding for elementary and secondary education, Head Start programs, maternal and child health care programs. They are going to veto the whole thing because they are so adamant that they want to take away overtime pay from American workers.

I hope this is a mistake. I hope Reuters was wrong, but I can only rely upon what they have said. The White House has not communicated this to me directly, but this has been reported from the White House, that they are going to veto this bill over this.

I say to the Senator from Massachusetts, I am glad he mentioned that be-

cause, again, it just shows to me the zeal—the zeal—with which this administration and their advisers want to attack working families in this country and to take away overtime pay; that they are willing to put out that threat of a veto and take away Head Start Program funding, maternal and child health care, elementary and secondary education, all the other things that are in this bill, simply because they want to take away overtime pay from millions of American workers. Again, I find this bordering on the bizarre.

Mr. KENNEDY. I say to the Senator, I certainly agree. I know we are going to have an opportunity to address this and debate this issue, but I hope our colleagues, over the period of the next day or so, will really think long and hard and deeply about this proposal.

We have been attempting in this body to raise the minimum wage for working families. Effectively, without raising the minimum wage this year, we will lose all of the gains of the last increase. And we are denied on the other side of the body. We indicated we would like to raise the minimum wage.

In fact, there are millions of workers in this country who are working two or three jobs a day. These are primarily women. About 62 or 63 percent of those workers who earn the minimum wage are women. One-third of those women have children, so it is a children's issue. It is a women's issue. It is a civil rights issue because most of the people working at the minimum wage are men and women of color. And it is a fairness issue.

The American people support overwhelmingly the fact that people who want to work hard, 40 hours a week, 52 weeks a year, should not have to live in poverty for themselves and their children. We cannot get a vote on it. The other side will not let us have a vote on it.

So they will not let you take care of those who are at the lower end of the economic ladder. Here they are going on to take the overtime away. They have assaulted Davis-Bacon, which is ways of giving protection to workers who are trying to do a decent job in terms of building and constructing the great parts of American commerce. And what in the world, we find out that on the issue of worker health and safety, they are now rescinding the proposed tuberculosis standards which have been in development for 10 years, when we have a dramatic increase in the problems of tuberculosis and other airborne diseases in this country. The list goes on and on.

What is it about this administration? With all the challenges, with Iraq adrift, our grids and electrical systems crashing, the judicial nomination process in shambles, and the economy sputtering, they are spending their time attacking and assaulting working men and women in this country. Can the Senator possibly help me understand how this is a priority, given all the other kinds of needs we are facing in this Nation?

Mr. HARKIN. I respond to the Senator from Massachusetts, from all the polls we have seen, all the data we have seen, the American people do not want this. They want more overtime pay protection, not less.

I say to the Senator from Massachusetts, while he was speaking, I was thinking about something I said a few days ago about the fact that the administration is turning the clock back prior to 1938 when we passed the Fair Labor Standards Act. And someone said that was sort of overblown rhetoric on my part—that of course no one wants to turn the clock back.

As I started doing more research into what happened with the Fair Labor Standards Act, I came across an interesting item. The first kind of strikes that occurred asking for an 8-hour day started in 1886, the famous Haymarket Square riot in Chicago. That was trying to get an 8-hour day at that time. This finally built up to the 1930s during the Great Depression. The 40-hour workweek was a compromise. The Senate, in 1937, passed a measure providing for a 30-hour workweek. Think about that. If we were to propose a 30-hour workweek around here, I don't know how many votes you would get. You would not get many.

In 1937, the Senate passed a measure providing for a 30-hour workweek. It was only because business ganged up and they said they had to compromise, and they compromised on a 40-hour workweek.

So when I say they are turning the clock back to before 1938, I mean it. That is exactly what they are trying to do, put us back to a time when people worked 10, 12 hours a day with no compensation for it and had little time with their families. That is exactly what this measure is intended to do.

You couple that with what the Senator from Massachusetts said about Davis-Bacon, the fact that we can't even get a vote on the minimum wage. The Senator from Massachusetts for the last couple, 3 years has been trying to get this vote up. We can't get a vote up. They won't let us vote on it. I hope we will vote sometime this year on the minimum wage. But these are all attacks on workers.

Mr. KENNEDY. Pensions.

Mr. HARKIN. All of them.

(Mr. GRAHAM of South Carolina assumed the Chair.)

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

Mr. KENNEDY. I have the floor, and after the Senator has finished, I will be glad to yield.

Mr. HARKIN. Go ahead.

Mr. DAYTON. Isn't it also true that this administration proposed eliminating taxation on other income? Doesn't the Senator think it is a little odd for an administration to be penalizing people who want to work, people who want to work overtime and, at the same time, providing tax breaks or tax elimination for people who don't work for their income?

Mr. KENNEDY. The Senator is quite correct. There is a panoply of different issues that affect working families. On each and every one of them, I think any fair assessment is that the administration comes down on the wrong side of it. Today it is overtime. And this is a debate at the core of what policy this administration is focused on.

But I think, as Senator DAYTON and others have pointed out, there are a whole range of issues that shortchange American workers, and we have every intention of continuing the battle for them.

Mr. President, I would like to speak briefly on another subject. I know there are others who want to speak. But I will just take a moment of the Senate's time to address an education issue which, hopefully, we will have a chance to address and debate further. But I think it is important that we have it out in the RECORD so our colleagues are aware of it.

Mr. President, many of us are deeply concerned about the continuing failure of our appropriations for education to fulfill to promise that the Congress and the administration made to pay for the school reforms of No Child Left Behind signed just a year and a half ago.

Make no mistake, the bill before us continues to have harsh cuts in education that will hurt families, students, and teachers throughout the country. These are the children of these workers we were just talking about.

The President and Congress promised to reform and improve public education, to leave no child behind over a year ago. We said to the parents and teachers: Help is on its way. But if we pass the school budget before us, the message to parents and teachers and schools would be: You are on your own.

A pattern is emerging. Each year the President picks a large area to work on in a bipartisan fashion and promises compassion and help. In the past, that area has been in education. This year, it is the global AIDS crisis, and we hope that the promised support will happen. But on education, the promises made consistently have been broken. In fact, the bill before us contains a litany of broken promises on education, because the Republican Congress refuses to keep them:

In January 2002, President Bush promised that "America's schools will be on a new path of reform . . . our schools will have greater resources to meet those goals." But the bill before us cuts funding for the No Child Left Behind Act by \$200 million. We have raised standards and raised expectations on school children. We hold schools accountable for better performance. Yet now, the Republican majority wants to cut funding for school reform.

President Bush promised that we would "leave no child behind," and that became the title of the landmark school reform bill he signed into law over a year and a half ago.

But the bill before us leaves 6 million children behind. It underfunds the Title I program for needy children by over \$6 billion. Under the Republican education budget, some 6 million needy children will not get smaller classes, will not get supplemental services, and will not get the special attention they need to meet high standards.

In March of last year, President Bush promised to support teachers, making sure they "get the training they need to raise educational standards."

But the bill before us cuts 20,000 teachers from professional development programs. It completely eliminates training for teachers in technology. We need to upgrade and expand teacher quality efforts, not downgrade teacher training. The No Child Left Behind Act requires schools to give every classroom a high quality teacher. They need more resources, not fewer resources, to reach that goal.

President Bush promised that his Administration "will promote policies that expand educational opportunities for Americans from all racial, ethnic, and economic backgrounds."

The bill before us undermines support for non-English speaking children and undermines support for many of the nation's neediest children.

The bill before us cuts 32,000 children from English as a Second Language programs.

It cuts 40 percent of funding for the children of migrant workers struggling to get their GED and go to college.

It eliminates dropout prevention funding.

It eliminates the Thurgood Marshall Scholarship program.

This legislation basically does nothing to help families afford college, at a time when the rising cost of college is keeping minority and low-income students out. Average public college tuition rose almost ten percent this past year. The average public university's annual costs now equal more than 62 percent of a working class family income. Each year, over 400,000 college-ready, low-income students do not pursue a four-year college degree, because they cannot afford the cost. Yet this bill has a zero increase in individual student Pell grants, zero increase in the campus-based financial aid program, and zero increase in the college work study program.

After all the promises made and all the public visits to schools, how can we possibly approve a cut to the No Child Left Behind Act?

If we intend to hold schools and students accountable, Congress and the Administration have to be accountable too. We know what works in school reform. When we provide the resources, we know that schools can be turned around. They can upgrade their curricula, provide diagnostic tests that identify learning needs early, train teachers in the latest and best instructional techniques, and give students the after-school academic help and English language instruction they de-

serve. We have seen hundreds of high-poverty schools across the country turn themselves around with exactly these reforms, because they have the necessary resources to do. We need more, not fewer, resources for school reform, so that the reforms we say we care so much about can actually succeed.

Sadly, the Senate is suddenly starting to move even more harshly in the wrong direction. For the first time in eight years, the Senate education budget is lower than the House proposed education budget. And the House Republican bill falls short by over \$8 billion, compared to the amount needed to fully carry out the No Child Left Behind Act. The Senate bill before us is even worse. This bill actually cuts funds for the No Child Left Behind Act.

Obviously, money is not the answer to all the problems of our schools. But the way we allocate resources in the federal budget is a pretty clear expression of our view of the nation's priorities. And the priorities on education reflected in the bill before us—the product of a Republican-only budget process—are profoundly wrong.

I hope a bipartisan group of colleagues will come together as we consider this legislation, and keep the promises we made to help these schools. Our nation and our nation's schools and students deserve no less.

I want to talk about the issue of higher education, specifically. In the area of education, the amendment I offer with Senator COLLINS increases the maximum Pell grant by \$500, increases other financial aid to keep pace with the soaring tuition costs college students and their families are now facing. A coalition of 56 higher education and student organizations throughout the country supports it. The \$2.2 billion is offset by the same mechanism the majority uses in the underlying substitute to offset their funding levels. We rescind \$2.2 billion in fiscal year 2004 advanced appropriations made in fiscal 2003 and reappropriate those funds in fiscal 2003.

Our Nation faces a growing crisis in higher education because of the soaring costs of tuition in recent years. The crisis is now far worse because State and local budgets are in crisis, too. Cash-strapped States are dealing with \$80 billion in deficits by cutting higher education funds and forcing public colleges to raise tuition. According to a USA Today report last week, over 40 percent of public colleges in America, which educate three-quarters of all college students, are raising tuition by more than 10 percent a year. There has been a \$1,750 increase in tuition and fees at the University of Massachusetts. Northern Virginia Community College, which has the most community college students in Virginia, has raised tuition by 45 percent. Iowa has raised tuition by 19 percent at all public colleges. The University of Arizona has raised tuition by 28 percent; the University of Missouri by 18 percent.

Unless this amendment is adopted, over 100,000 current college students are in danger of dropping out because of higher tuition costs and zero increased financial aid.

Hard-working students are threatened, students like Tawn Pham at the University of Massachusetts in Boston. Tawn is 21 years old. He works at the local courthouse. He is a Pell grant recipient. He borrows Stafford loans. His family came to America from Vietnam in 1987. Without financial aid, he would never have gone to college. Without increased financial aid, his college education is threatened by recent tuition and fee hikes. The American dream we all pay homage to is threatened for young students like Tawn Pham because of our threatened failure to increase financial aid.

The answer is not simply to allow students to borrow more and more. Vast numbers of college students are already borrowing, for example, tens of thousands of dollars to pay for their education. Twenty years ago a typical aid package was 40 percent loans, 60 percent grants. Today the figures are reversed. The typical package is now 60 percent loans and 40 percent grants. And students who are pursuing graduate work confront upwards of \$120,000 in student loan debt. Yet the banking industry proposed that students borrow even more at higher interest rates to go to college.

Last year the Bush administration proposed to make consolidated student loans more expensive. No young person should have to mortgage their future in order to go to college. They should be paying off the loans they have at lower interest rates, not higher interest rates.

Vast numbers of students are already taking jobs to defray the costs of their education. Half of all college students who take part-time jobs are now working 25 hours a week and trying to be full-time students, too. Their studies are clearly suffering, and so is their future.

According to GAO, only 41 percent of students who work between 20 and 31 hours a week complete a college degree. For students who work 32 hours a week or more, the figure is even worse.

Sadly, this bill provides virtually no new help for students and families struggling to pay the increased cost of higher education.

In the bill before us, there is zero increase in the maximum Pell grant; zero increase in Perkins loans; zero increase in work-study aid; zero increase in campus-based financial aid; zero increase in support for leveraged State student aid.

The amendment Senator COLLINS and I are proposing is a stopgap effort to provide assistance for hard-pressed college students and their families. It will help the 4.8 million Pell grant recipients whose median family income is \$15,000 a year. There are 4.8 million students who are going to institutions of higher learning, and their family in-

come is \$15,000 a year. It will bring new Pell grants to 200,000 new recipients. It will expand the TRIO and the GEAR-UP Programs to enable historically underrepresented students to achieve the goal of a college education. It supports graduate students in the science, humanities, and public interest.

It will bring us a step closer to guaranteeing all Americans a promise of education security. Just as we have made Social Security and Medicare a promise to our senior citizens over 60 years ago, we should make education security a promise to young men and women. If you work hard, finish high school, and are accepted for admission to college, we should guarantee you will have the opportunity to earn a college degree.

I urge my colleagues to support the pending amendment. Surely we have reached the stage in America where we can say it and mean it—inability to pay the cost will never again be a barrier to the dream of a college education.

I would just point my colleagues' attention to a statement from the administration, an administration policy. I will include the relevant parts—executive branch, September 2 statement, Pell grant programs:

"The bill provides \$12.2 billion for Pell grants, \$538 million less than the President's request for the high priority program."

This is the administration saying that the underlying substitute is \$538 million below what the President of the United States even requested.

Under the Department's most recent estimates of Pell, the Senate level may be insufficient to cover the cost for student awards in 2004. That's true.

We believe that this amendment that we're offering ought to be accepted. It is related obviously not only to those children who are going on to college, but it also helps and assists GEAR-UP children coming in—which are basically the children who would fit into this category, and helps the TRIO Programs. It gives general support for the education continuum for these children that would otherwise definitely not have the chance to attend higher education.

I ask unanimous consent to set the pending amendment aside so that I might offer an amendment.

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

AMENDMENT NO. 1566 TO AMENDMENT NO. 1542

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mr. KERRY, Mr. LIEBERMAN, Mr. EDWARDS, Mr. PRYOR, Mr. CORZINE, Ms. STABENOW, Mr. AKAKA, Mr. LAUTENBERG, and Mr. SCHUMER, proposes an amendment numbered 1566 to amendment No. 1542.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase student financial aid by an amount that matches the increase in low- and middle-income family college costs)

On the appropriate page and line, insert before the period the following: "Provided further, That of the funds appropriate in this Act for the National Institutes of Health, \$1,470,000,000 shall not be available for obligation until September 30, 1994".

On page 76, between lines 4 and 5, insert the following:

SEC. ____ (a) INCREASE IN FUNDING.—In addition to any amounts otherwise appropriated under this Act for Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional \$1,688,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Supplemental Education Opportunity Grants under subpart 3 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional \$115,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Work-Study Programs under part C of title IV of the Higher Education Act of 1965, there are appropriated an additional \$157,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional \$33,445,000 for such program. In addition to any amounts otherwise appropriated under this Act for Federal Trio programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional \$160,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for Gear Up programs under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional \$57,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for loan cancellations under the Federal Perkins Loans program under part E of title IV of the Higher Education Act of 1965, there are appropriated an additional \$33,000,000 for such loan cancellations. In addition to any amounts otherwise appropriated under this Act for the Graduate Assistance in Areas of National Need program under subpart 2 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional \$13,200,000 for such program. In addition to any amounts otherwise appropriated under this Act for the Thurgood Marshall Legal Educational Opportunity Program under subpart 3 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional \$7,000,000 for such program. The amount \$4,050 under the heading 'Student Financial Assistance' in this title shall be deemed to be \$4,500. The amount \$9,935,000 under the heading 'Higher Education' in this title shall be deemed to be \$15,000,000.

(b) BUDGETARY AUTHORITY.—The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$9,151,909,000. The amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$4,526,591,000.

Mr. KENNEDY. Mr. President, I understand there are a number of pending amendments, the order of which and

the time of which will be worked out by the floor managers. We wanted to make available to the Members today this amendment. We will obviously work with the leadership and floor managers to have appropriate time for debate and discussion.

I yield the floor.

Mr. CORZINE. Mr. President, first I wanted to speak on Senator HARKIN's amendment with regard to protecting overtime pay for hard-working Americans. I also want to second the efforts Senator KENNEDY is making. Both Senators HARKIN and KENNEDY are giants with regard to protecting hard-working Americans who are under incredible stress in our economy today.

I heard Senator KENNEDY talk about the people with \$15,000 annual incomes who benefit from Pell grants. Tuitions are going up 15, 20 percent across the board. They are 9 percent in New Jersey, so I guess we are doing well at Rutgers. We are not increasing our financial aid at all. The Senator also knows that back in the drawing rooms of the Education Department they are changing the regulations that are reducing the amount of grants and availability of funding for both grants and financial aid for middle-class Americans. It is unbelievable what we are doing to and the pressure we are putting on the American people, the hard-working people who drive this economy. I compliment the Senator on his efforts in raising this issue on higher education.

I think what singles out more than almost anything I have heard debated is trying to take away overtime pay for the American people. I am just one individual who believes that the best way to grow our economy is to have rising tides lift all boats, making sure everybody participates in the excellence and the wealth of America. But we are doing everything we can to undermine that for millions of American workers. So I am proud to join Senator HARKIN, Senator KENNEDY, and all those who want to speak up for those who are making America work.

We are talking about the whole of America's economy. We need to put it in the context of what is happening in the American economy. People talk about the stock market going up, rising to the point that we have recouped \$2 trillion of \$7 trillion lost; but the fact is we have not recouped job one yet during any kind of economic turnaround. Nine million Americans are unemployed today. A million have dropped out—actually 2 million have stopped looking for jobs. The unemployment rate hovers at 6.2 percent even today. We have heard that unemployment claims went up to 15,000 today, the highest in the last 12 weeks, above the threshold that shows there is weakening job growth in the economy.

The average length of unemployment is longer than it has ever been—19 weeks. It spiked this summer to the highest level in two decades. Quite honestly, we are seeing the worst em-

ployment recession we have had since the Great Depression. It is a real problem for working Americans. And now we are trying to make it really hard on the people who do have jobs. Not only are we not doing addressing unemployment in this country in a real sense, but we are now placing burdens on those who actually are delivering and working every day. I think it is just discouraging to undermine the economic well-being of those who are working, as well as ignoring those who are left out in this jobless recovery we have.

Senator HARKIN has been so eloquent in talking about this back-to-history view of where we are taking ourselves. Looking at the 1938 Fair Labor Standards Act and the 40-hour workweek—one of the highest ones in economically developed countries—nobody is arguing that we ought to change that; we are saying you ought to get time and a half when working overtime, and we should define it in a way that is really meaningful for people who work on hourly wages.

I just don't understand the timing. I don't understand the proposition of it. We should be encouraging having resources in the pockets of people who will go out and spend it and drive the economy. When we are talking about how we get jobs growing in this country, people need the ability to create demand. This does the opposite. It just seems hard to understand why we want to strip workers of their right to overtime pay, particularly at a time of economic stress in our economy.

American families are the drivers of our economy. It is the vast middle class in this country who are in these jobs. They are not in executive positions. This is not redefining what executive positions are. This is trying to cut away at the bulk of those people who are working on an hourly basis, really providing so much of what is good happening in our economy.

These changes mean real losses—on average, 25 percent of annual income—for an estimated 8 million Americans. By the way, if that happens, what does that do to the competitive labor market, or for changes in what is going on? This is about building up the bottom line of corporate America at the expense of working Americans. Again, I go back to rising tides lift all boats and why we want to undermine the economic well-being of policemen, nurses, firefighters, EMTs, and even journalists. Some of us sometimes have trouble with them, but journalists are also folks who would be carved out of this.

I have heard Senator KENNEDY say—and I am sure Senator HARKIN mentioned this before—that so much of this is focused on women in the workplace. It is incredible. We are asking families to have two wage earners so they can make it in today's society, and we have turned the situation into where overtime pay will be taken away from the folks making the sacrifices, trying to get their kids into higher

educational environments where they can have access to the American promise.

I don't get it. I don't think the American people get it. I think we have to make sure everyone understands this administration, and those who believe they want to so-call "clarify" the rules and change them, is really undermining the economic health and welfare of our American middle class—the people who are paying the bills, living their lives within the rules, and doing the right things for everyone.

Mr. President, this country deserves better, in my view. I stand fully behind the efforts of Senator HARKIN and those who are pushing very hard to block this work rule change that I think undermines the health of our economy and the health and welfare of working Americans in our economy. It is bad and it should not go through. We need to support this amendment that protects working Americans. By the way, that will be good for everybody. That will be good for business, good for creating demand in our society, and I hope we understand we have to look at this on a holistic basis, not on something that just helps special interests and a limited number of folks in our economy.

I think we can do a lot to improve our economy. One of the ways to do it is to stop these kinds of actions from taking place. I am proud to stand with Senator HARKIN in this effort.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I am a little confused because for the last hour I have been listening to debate on an overtime amendment and, as far as I can tell, an overtime amendment has not been laid down. But it is my understanding that when it is, what it will do is keep the Secretary of Labor from spending a single dollar to review the proposed rule dealing with overtime.

Now, the process we usually have is that agencies propose rules, they publish them, and then they get comments. As I understand it, there are 80,000 comments on this. Now, the job of the agency following that is to take those comments into consideration and, if worthy, put them into the rule. What we are saying is we don't want anybody to look at what the public is saying; we don't want anybody to say what the 80,000 people who took the time to comment said. We don't want to see if there can be a change to this rule. We think we can blast it best in its present form. So don't let the Secretary look at the comments.

It is her job to look at them. It is her job to see if there needs to be a change to the proposed rule. All this amendment does is keep the Secretary from taking that action. I suppose it is no coincidence that we are possibly taking up this amendment right after the Labor Day weekend. Each year at this time, we honor those who work hard and help to strengthen the economies of our States and the country. The holiday cannot help but remind us of

those workers this amendment purports to protect.

Now we must carefully consider who is really helped and hurt by this amendment—this amendment that stops the Secretary of Labor from looking at 80,000 comments on ways to improve her rule.

Most of us were able to spend a considerable amount of the August work period meeting with our constituents. At each town meeting I held, there was usually someone in attendance who was quite concerned about Government regulations. I was often told to rein in big Government, keep the rules and regulations simple, current, responsive, and make sure they make sense in today's everchanging workplace.

This amendment that would keep the Secretary of Labor from looking at the 80,000 comments has the opposite approach. Instead of keeping the regulations simple and current, it would prohibit the Secretary of Labor from updating the rules exempting white-collar employees from the Fair Labor Standards Act overtime requirements. Simply put, it is an attempt to reject the new, turn back the clock, look to yesterday for the answer to tomorrow's problems. It is an approach that is doomed to failure before it is even applied, and I am opposed to it.

There is no question that the workplace has dramatically changed during the last half century. It changed during the last half decade. The regulations governing white-collar exemptions, however, remain substantially the same as they were 50 years ago. The existing rule takes us back to a time when workers held titles such as "straw boss," "keypunch operator," "legman," and other occupations that do not exist today. As our economy has evolved, new occupations have emerged that were not even contemplated when those regulations were written 50 years ago.

A 1999 study by the General Accounting Office recommended that the Department of Labor "comprehensively review current regulations and restructure white-collar exemptions to better accommodate today's workplace and to anticipate future workplace trends." That was the General Accounting Office telling the Department of Labor they needed to "comprehensively review current regulations and restructure white-collar exemptions to better accommodate today's workplace and to anticipate future workplace trends." That is precisely what the Department of Labor's proposal to update and clarify the white-collar regulations will do.

While the Department's proposal will update and clarify, this amendment will do neither. It keeps it from happening, it keeps the comments from being reviewed, and it will set the clock back to 1954 and try to force the square peg of the jobs of the 21st century into the round hole of the workplace of 50 years ago.

I am a former shoe salesman, and I know how to tell when something will

not fit. This amendment just will not fit. It is like trying to force a size 10 foot into a size 6 shoe. It will not fit no matter how hard you try.

So let's be clear about what this amendment will do. The amendment that keeps the Secretary from looking at the 80,000 comments will undermine the Department of Labor's efforts to extend overtime protection to 1.3 million low-wage workers. Under the current rules, these 1954 rules, only those rare workers earning less than \$8,060 a year are automatically protected for overtime. You have to make under \$8,060 to automatically be protected.

The administration's proposed rule would raise that threshold to \$22,100. As a result, 20 percent of the lowest paid workers would be guaranteed overtime pay. The overtime provisions of the Fair Labor Standards Act were originally intended to protect lower income workers. The proposed rules would provide lower income workers with the protection they deserve.

By undermining the administration's efforts to better protect lower income workers, whom will this amendment protect? The supporters of this amendment claim that an estimated 8 million workers will become ineligible for overtime under the proposed rules. However, this estimate is based on a study by the Economic Policy Institute, and I have to tell you, Mr. President, it looks as if it is riddled with errors.

For example, the study includes in its calculations at least 18 percent of the workforce who work 35 hours or less a week. These part-time workers do not work more than 40 hours a week and, therefore, they do not receive overtime in the first place.

The study also claims the proposed rule will deny overtime pay to white-collar employees earning more than \$65,000 a year. However, not all employees earning over \$65,000 are exempt under the proposed rule—only those performing office or nonmanual work or one or more exempt duties. This means that workers such as police officers, firefighters, plumbers, teamsters, carpenters, and electricians will not lose their overtime pay. Of course, under union contracts, that is already stipulated regardless of what kind of rule there is.

The Department of Labor does acknowledge the possibility that 644,000 highly educated workers making over \$65,000 a year might lose their overtime. It rings in 1.3 million making under \$22,100, and then there is the possibility that 644,000 making over \$65,000 a year would lose their overtime.

Supporters of this amendment claim the proposed rules will strip overtime pay for first responders and nurses. If we strip the rhetoric from the reality, we will find there will be virtually no change in status for the first responders and nurses under the proposal. Under both the current and the proposed regulations, only registered nurses are exempt from overtime pay.

Again, what this amendment does is keep the Secretary of Labor from looking at the 80,000 comments on the proposed rule to see if the rule ought to be changed. There is not anything in the appropriations bill that automatically puts into place any rule, but it will keep her from looking at the comments that have been sent in.

Whom will this amendment protect if not lower income workers, first responders, nurses, or millions of other working Americans? The antiquated and confusing white-collar exemptions have created a windfall for trial lawyers. Ambiguities and outdated terms have generated significant confusion regarding which employees are exempt from overtime requirements. The confusion has generated significant litigation and overtime pay awards for highly paid white-collar employees. Wage and hour cases now exceed discrimination suits as the leading type of employment law class action.

The amendment will not preserve overtime for millions of working Americans. This amendment will not help employers and employees clearly and fairly determine who is entitled to overtime.

The only clear winners of this amendment will be the people filling in their time from chasing personal injuries. It is a sideline. So the trial lawyers will continue to benefit from the current state of this confusion.

Businesses need to know the rules. The rules need to be interpretable by the average small businessman. I really object to the inference that the only reason anybody would pay overtime is that the Federal Government said you had to. That is not true. That is not the way it works, and I can tell you that even if the Federal Government says you have to, there will still be one-tenth of 1 percent of the people who will not comply. But for the most part, 99.9 percent of the people do comply and want to comply—not only will comply but will exceed complying in a number of areas.

We are spending taxpayers' dollars sorting through the court cases that could be solved with clarity. We are talking about taxpayer money being spent to review the 80,000 comments. I think that is entirely necessary. I expect any agency that has a rule to review the comments of the rule and to make changes based on the comments.

The Department of Labor has received and is currently reviewing those 80,000 comments to the proposed regulation. We should allow that regulatory process to continue and give the Department a chance to complete its review of the proposed rules.

Once the review is completed, the Department will align the white collar regulations with the realities of the 21st century workplace and what they have learned from the comments, should they get to read them, and the intent of the Fair Labor Standards Act.

I want to assure my colleagues that if the rule has gone astray, when it is

finished we put into place something called the Congressional Review Act. That is where we get to jerk these agencies back to reality if they do not follow the proper procedures, if they do not pay attention to what is being said. We have used that before, and that would be the appropriate place for us to jerk the Department of Labor back to reality if they do not pay attention to the comments that are coming in.

I urge my colleagues to oppose this amendment, allow those comments to be read, check and see if there are going to be changes to the overtime rules, and see if it does not clarify it for the workers and the employers so that there will be less conflict.

Time spent in court does not benefit anybody but the trial lawyer. There is no point in having that done if we can clarify things so everybody understands what the rules are, and we raise that terrible \$8,000 up to \$22,100 so that we are covering more people for overtime.

I do ask that the amendment be defeated when it is put in, should it be put in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, an agreement has been cleared on both sides, and I ask unanimous consent that the vote in relation to the Murray amendment No. 1559 occur at 1:45 today; provided that no amendments be in order to the amendment prior to the vote, and that there be 2 minutes equally divided for debate prior to the vote.

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

Mr. SPECTER. Mr. President, with respect to the amendment offered by the Senator from Massachusetts, which would increase Pell grants and increase other funding in higher education, there is no doubt that it would be highly desirable to have more funding on more lines. The Kennedy amendment seeks to raise the Pell grants from \$4,050 to \$4,500.

Mr. REID. Mr. President, will the Senator yield?

Mr. SPECTER. I do.

Mr. REID. I apologize for interrupting, but I would appreciate that in the future, before any UCs are offered, that we be on the floor.

Mr. SPECTER. Mr. President, I think that is a fair request. I had made a similar request to the assistant Democratic leader last year when we were debating the resolution on the use of force in Iraq when there was a unanimous consent agreement made when I was off the floor. I had thought this was cleared. The one last year on Iraq was not cleared with me, but I think that is a good idea and I will adhere to it during my managerial time.

Mr. REID. I thank the Senator.

Mr. SPECTER. Going back to the issue on the Pell grants, I do not think anybody has fought harder to raise the

Pell grants than this Senator. During my tenure as chairman of the Appropriations Subcommittee on Education, I have battled, along with Senator HARKIN, to raise the Pell grants. If one takes a look at where they were a few years ago in fiscal year 1997, they were at \$2,700. Now they are at \$4,050. It is an increase of about 50 percent in the course of those few years.

When the fiscal year budget for 2002 was set with the Pell grants at \$4,000, there was a vociferous objection from the Director of the Office of Management and Budget. I recall the meeting in my Senate office where there was a very strong objection that we had gone too far. They wanted a rescission on our bill, but we held our ground. We kept the Pell grants at \$4,000.

So it would be a delight to me to be able to raise them to \$4,500, but it simply cannot be done within the confines of the funding we have available, unless we go to some other lines to balance out by cuts in programs like community health centers or strengthening historical black colleges. Now I am not about to suggest cuts there, but if we are to have an increase of \$2.2 billion, as the Senator from Massachusetts wants, we are either going to be way over our allocation or we are going to have to make some other cuts.

The Senator from Massachusetts has added funding on a number of lines. He has added funding on leveraging education assistance partnership, on the Federal work study, on TRIO, on GEAR UP, on Perkins, on the Javits Fellow Graduate Assistance, all of which would be highly desirable in many ways if we had an allocation which would support it.

One of the most difficult jobs I have every year is managing this bill. I cast more controversial votes in my capacity in managing this bill than I do in all the rest of the year combined. As the manager, it is my obligation to try to bring this bill in in accordance with the budget resolution and in accordance with the allocation which has been made to this subcommittee.

In the absence of any other Senator seeking recognition at this time—pardon me. The Senator from Minnesota is present. I yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I sympathize with the predicament the distinguished Senator from Pennsylvania has expressed. He has been a stalwart in support of increased funding for many of these educational efforts over the years, and I note that his independence and integrity have resulted in his being cited by yet another prominent publication today.

If those qualities of an independent mind, intelligence, experience, and real compassion for people are considered to be detriments, then it is a sad and unfortunate day for the Senate. I think the Senator's record shows clearly to the contrary.

Mr. SPECTER. If the Senator would yield for a question.

Mr. DAYTON. I would be happy to yield.

Mr. SPECTER. I ask him what publication he is referring to. Independence has its price, and I am prepared to pay it.

I thank the Chair.

Mr. DAYTON. The Senator's distinguished record speaks for itself.

I rise on a matter related to what the Senator just described, the quandary regarding funding for education programs. Yesterday, for the fourth time, I attempted to obtain 40 percent of Federal funds for special education to fulfill a promise that was made by the Federal Government to States and school districts 27 years ago, which today, and if we pass the appropriation measure that is before us, would be less than half of that 40 percent share. Every one of my colleagues in the Republican caucus voted against this amendment, evidencing that special education funding in the scheme of everything else is simply not a high enough priority.

At that time, yesterday, the chairman of the Health, Education, Labor and Pension Committee made some observations that I still find rather astounding, particularly as it relates to the actual experience of educators in my State of Minnesota. According to the senior Senator from New Hampshire, it seems we are putting so much Federal money into the education programs—in fact, to quote the Senator, so much so fast under President Bush and the Republican Senate that we now have a situation where a large percentage of the dollars which we have already appropriated cannot be spent and have not been spent.

Over \$9 billion were cited that are supposedly sitting in some vault somewhere over at the Department of Education, title I funding, that was appropriated over the last 2 or 3 years evidently that the States have not drawn down to spend.

We were told before that funding for other areas of education had increased so rapidly that those dollars could not be utilized. We were told by the Senator about 2 months ago that there are so many Head Start slots available that some of those are unfilled because there is more availability than parents desiring to put their children into Head Start.

That comes as quite a surprise to parents and educators and Head Start service providers in Minnesota where there has been known to be a serious shortage of funding for those who are eligible and would like to utilize that program for years. It would come as a surprise to the school board members in school districts all over Minnesota that there is unused money in Washington for education. Our State is experiencing a shortage of some \$250 to \$300 million in education funding resulting in school districts across the State having to make drastic cuts in funding

for public education, cutting teacher positions, cutting curriculum offerings, cutting supportive services.

I wrote this morning to the Secretary of Education to ask him exactly the circumstances resulting in this \$9.2 billion of unexpended Federal funds and to ask for his recommendation on what can be done to make these funds available to schools and school districts throughout the country where the funds, I can guarantee, would be well used today, tomorrow, or the day after so we do not have a situation where we have supposedly \$9 billion of Federal funds lying around waiting for some school or school board to identify this opportunity to provide the educational services that schoolchildren in Minnesota are being denied today because of a critical shortage of funding.

We also offered yesterday amendments to increase funding in this bill before Senators were lambasted for our fiscal irresponsibility. We were told again by the chairman of the HELP committee that we have finally set up in the Senate this year a budget for ourselves and we have renewed the concept of fiscal discipline through a budget after having been abandoned for a year under prior leadership of the Senate. Even though we have a budget, we should, we are being told, ignore it and fund all these additional programs for education.

Yes, I did seek yesterday to increase funding for special education by \$11 billion next year. That is a lot of money. But it is money fulfilling broken promises of over a quarter of a century. It was lambasted for its fiscal excess.

Yesterday the manager of the bill noted there were no Senators offering amendments. It seems one of the reasons was that quite a number of Senators were at the White House literally at the same time I was offering my amendment. About the same time the critics were accusing my amendment and other amendments being offered for being fiscally reckless. Members were being notified by the President that he would seek another \$60 billion or \$80 billion—according to estimates I have seen, but it will actually be \$100 billion—additional spending for the war effort in Iraq over the next fiscal year in addition to the \$87 billion we approved earlier this year for additional funding for that effort, which I supported. And I will support, I expect, the request by the President for this continuing effort. Once we are in a war situation, as we are, we cannot conduct a war under budget. We have to conduct a war to win, to secure that victory, as the administration is trying now to do.

It struck me as an odd juxtaposition of priorities, particularly given the Republican assistant leader spoke yesterday and said we were very clear that what the President wants he is going to get in terms of additional dollars.

If we want to break the budget for an additional \$160 million, as was one proposal yesterday for education—another

proposal was for \$68 million for education; in my case, \$11 billion for additional funding for special education—those are figures that somehow break whatever this budget and this fiscal discipline the majority caucus claims we have established within this body. As soon as the administration wants another \$80 or \$100 billion next fiscal year, no questions asked. What the President wants, he will get.

I wish the President would add to his list of priorities in addition to funding the economic reconstruction of Iraq, for \$10 billion, we are told in this proposal, and another \$15 billion over the next few years for AIDS in Africa, a worthwhile cause, but I wish we would give the same priority to the special needs of the students of America, both those at the elementary and secondary levels and also, as Senator KENNEDY pointed out, those in postsecondary education who find getting a Pell grant or getting a college work-study opportunity about as scarce as finding a weapon of mass destruction in Iraq.

As the American people look at the fiscal crisis afflicting this Government's budget, from the beginning of this fiscal year of a projected deficit of \$150 billion to now a deficit projected to be in the neighborhood of \$550 billion—that includes, by the way, the use of the Social Security trust fund surplus of \$155 billion for this year so actually the operating account of the Federal budget is in deficit close to \$700 billion this year. Next year, the budget deficit for fiscal year 2004 was expected to be \$200 billion and now it is already up to \$480 billion. That does not count the \$80 billion or \$100 billion for the next fiscal year to be added for the President's request. So we are looking at the start of the fiscal year of a deficit next year of some \$580 billion, almost three times what was projected a year ago. That is in contrast, by the way, to a surplus that we enjoyed in each of the last 4 years under President Clinton.

There is one area, however, where there does not seem to be such a problem on the spending side. That is when it comes to pharmaceutical industry prices and profits. There was another interesting article today in the New York Times looking at the practice of the Veterans Administration in successfully lowering the price of prescription drugs for the VA and making it possible for millions of veterans to pay just \$7 for up to a 30-day prescription. It is astonishing to see what the Senate and House bills now contain for prescription drug coverage contrasted with the VA copay of \$7 per prescription. No wonder thousands of veterans are signing up for this program every month, stretching those appropriated dollars.

I ask unanimous consent this New York Times article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit No. 1)

Mr. DAYTON. For all its apparent success, lawmakers have disregarded the Veterans Administration model and others like it that use the Government's immense power to negotiate lower prescription drug prices. In fact, under the Senate and House bills, under existing law, Congress would exempt the drug industry from the kind of cost controls in place for virtually every other major provider of Medicare services.

One of the founders of the current health maintenance organization concept who then recanted his support based on what they became, former Minnesotan Dr. Paul M. Elwood, said in the article:

The legislation pending in Congress does more to deform than to reform Medicare.

Drug companies [the article goes on] say they support prescription drug coverage under Medicare [since the taxpayer will be paying for more of these medicines]. But in the last few years, they have invested several hundred million dollars in campaign contributions, lobbying and advertising to head off price controls.

They were the largest contributor in the last campaign cycle for Federal campaigns, and of course those are not philanthropic contributions; they are political investments on which they expect and are receiving their desired return.

The article goes on to say:

The legislation "reflects a political judgment that the pharmaceutical industry" would block "price controls or any arrangement that used the concentrated purchasing power of the government to buy prescription drugs," said Paul B. Ginsburg, president of the Center for Studying Health System Change, a private research institute.

Why would the pharmaceutical industry be able to block the Congress from enacting legislation that would lower prescription drug prices for the people of America? It begs the question, Whose interests are being represented, that an industry, the pharmaceutical industry, can block legislation right here on the Senate floor, right over there in the House of Representatives—can block legislation that would result in lower prescription drug prices for senior citizens and people of all ages across this country?

It goes on to say that the VA plan, by contrast, uses its buying power and uses it successfully to lower prices that VA pays for the medicines and that the veterans in turn pay. According to the National Academy of Sciences:

. . . the VA's methods had achieved nearly \$100 million in savings over the past 2 years.

But Congress did not consider that approach; in fact, Congress did the opposite. Congress said you cannot use that approach. Medicare cannot get involved in price reductions. Medicare cannot use the vast purchasing power on behalf of all senior citizens and others under Medicare, which goes far beyond what the Veterans' Administration has in terms of numbers—cannot use that clout to negotiate or insist on

lower pharmaceutical prices for seniors, for others on Medicare. Why? Because that would cut into the profits of this already excessively profitable industry.

Representative Michael Bilirakis, the Florida Republican who is chairman of the House Energy and Commerce Subcommittee on Health, said that if Medicare pooled its purchasing power, it would amount to "a form of price controls."

"That's not America," Mr. Bilirakis said. "Many of my constituents would feel that price controls are a great thing. But ultimately some of us have to be responsible."

Since when is it responsible for Congress to allow drug prices to go up higher and higher, beyond the reach of our fellow citizens? Since when is it responsible in America to let an industry, the drug industry, write a letter that 53 Senators sign, saying they would oppose any kind of reimportation such as that proposed by my colleague from the House of Representatives, GIL GUTKNECHT, Republican House Member from Minnesota. He was one of those who courageously and successfully led the drug reimportation victory in the House, one which I hope this body will enact and follow suit.

But when a pharmaceutical industry lobbyist can write a letter that 53 Senators sign, stating exactly what the pharmaceutical industry wants said, that this is somehow dangerous to the safety and well-being and welfare of Americans, says a lot about who controls what happens in Washington.

In fact, if the record be shown, the imports of foreign-manufactured drugs exceeded \$14 billion last year. These were drugs that were made, manufactured outside of this country and imported. The only difference is they were imported by the drug companies at higher prices. If the consumers want to import those same drugs from Canada or somewhere else at lower prices, that is what is objectionable. But once again, it is the pharmaceutical industry and its profits that are given priority over people.

So we have this very bizarre but, unfortunately for America, all too real juxtaposition of less spending for education. I see the distinguished Senator from West Virginia, who has been such a champion of funding for education and so many other causes benefiting the people of his State and across America. His amendment is one that we will consider. I wish and hope it will fare better than my amendment yesterday for special education. Given the votes on the other side of the aisle, I don't think that is promising.

But when time after time we try to put more money into education and are defeated, yet we can, without even a blink of an eye, put \$80 billion or \$100 billion more into economic reconstruction or other efforts in Iraq paying, as I was told, in Iraq, paying 1.8 million Iraqi citizens not to work, not to do anything, just not to foment revolution, pay 1.8 million Iraqi citizens not to work and we are not willing to pay Americans who want to work overtime,

or extend unemployment benefits for those who want to work and are seeking work, when we can run up deficits of humongous proportions, the biggest deficits in this Nation's history, three times more 12 months later than they were projected to be, without a blink of the eye on the other side of the aisle. But there is nothing to be said when drug companies want to raise prices and take more money out of the pocket of Americans.

I would say it is time for this body to look very carefully at itself. It is time for the American people to look carefully at this body.

I yield the floor.

EXHIBIT 1

[From the New York Times, Sept. 4, 2003]

SOME SUCCESSFUL MODELS IGNORED AS CONGRESS WORKS ON DRUG BILL

(By Robert Pear and Walt Bogdanich)

By most measures, the Department of Veterans Affairs has solved the puzzle of making prescription drugs affordable for at least one big group of Americans without wrecking the Federal budget.

Wielding its power as one of the largest purchasers of medications in the United States, the V.A. has made it possible for millions of veterans to pay just \$7 for up to a 30-day prescription. Thousands are signing up for the program every month.

Yet for all its apparent success, lawmakers have disregarded the V.A. model—and others like it that use the Government's immense power to negotiate lower prices—as they try to give older Americans relief from rising drug costs while reshaping how the elderly get medical services.

Instead, a Congress deeply divided by ideology has given birth to legislation that would add prescription drug coverage to Medicare, but that many experts say would fall short of meeting the needs of the elderly. The benefits, costing \$400 billion over 10 years, are complex and limited, and the legislation relies in part on cost control mechanisms that are untested or unproven.

In fact, Congress would exempt the drug industry from the kind of cost controls that are in place for virtually every other major provider of Medicare services.

"The legislation pending in Congress does more to deform than to reform Medicare," said Dr. Paul M. Ellwood, a noted health policy analyst who was an early proponent of managed care. "Instead of creating a system of readily understandable choices based on cost and quality, Congress is writing legislation that will increase the complexity of Medicare, so it will be more difficult for seniors to navigate."

The effort to forge a final deal on Capitol Hill, blending separate House and Senate measures, was high on the agenda as Congress returned to work this week. Lobbyists and health policy experts say the likelihood that a comprehensive drug bill will become law this year seems no better than 50-50. But Thomas A. Scully, administrator of the federal Centers for Medicare and Medicaid Services, said yesterday that he was "95 percent sure we will get a Medicare bill out of Congress."

Politically, the legislation is a marriage of convenience, combining drug benefits, long sought by Democrats, with a Republican approach to administering the benefits, through private health plans and insurance companies. To secure votes, the Senate bill was festooned with provisions aiding various interest groups. There is language that would, for examples, aid chiropractors; mar-

riage and family therapists; doctors in Alaska; hospitals in Iredell County, NC; operators of air ambulance services; and many other groups.

The need for bipartisan support "led to a series of compromises that resulted in a hodgepodge of a bill," said Senator James M. Inhofe, Republican of Oklahoma, who opposed the Senate bill.

Michael Valentino, a manager of the V.A.'s drug benefit program, praised Congress for trying to help Medicare patients buy prescription drugs. But he added that the coverage could be expanded if Medicare took full advantage of its purchasing power.

John C. Rother, policy director for AARP, the lobbying group for older Americans, said the legislation was a "real godsend" for people with low incomes or high drug expenses.

"But for many others," he said, "the benefits will be seen as inadequate."

Premiums and drug benefits could vary from plan to plan, state to state and year to year. The Senate and House bills both establish a standard drug benefit, with substantial coverage upfront and catastrophic coverage for high costs. But beneficiaries would have to pay all drug costs in the middle, until their out-of-pocket costs reached a certain level—\$3,700 a year under the Senate bill and \$3,500 under the House bill.

Robert D. Reischauer, former director of the Congressional Budget Office, said the gap in coverage "defies rational policy analysis" and was not found in commercial insurance. Congress engineered the gap to keep the drug plan's cost under the \$400 billion limit.

"POLITICAL JUDGMENT"

Drug companies say they support covering prescription drugs under Medicare. But in the last few years, they have invested several hundred million dollars in campaign contributions, lobbying and advertising to head off price controls.

The legislation "reflects a political judgment that the pharmaceutical industry" would block "price controls or any arrangement that used the concentrated purchasing power of the government to buy prescription drugs," said Paul B. Ginsburg, president of the Center for Studying Health System Change, a private research institute.

The V.A. plan, by contrast, owes its relative success to its buying power—and a willingness to use it. Its doctors and pharmacists analyze research to establish a list of preferred drugs for various conditions. The V.A. obtains discounts through bulk purchasing arrangements—using generic drugs where possible—and competitive bidding.

"We are so far ahead of anybody else, it's almost ridiculous," Mr. Valentino said. In 2000, the National Academy of Sciences found that the V.A.'s methods had achieved nearly \$100 million in savings over the previous two years.

But Congress decided not to adopt the V.A.'s approach; in fact, it was not seriously considered. Lawmakers also passed up other alternatives including vouchers for the purchase of health insurance and proposals to assist only people with low incomes.

Representative Michael Bilirakis, the Florida Republican who is chairman of the House Energy and Commerce Subcommittee on Health, said that if Medicare pooled its purchasing power, it would amount to "a form of price controls."

"That's not America," Mr. Bilirakis said. "Many of my constituents would feel that price controls are a great thing. But ultimately some of us have to be responsible."

The political imperative that seems to have produced today's fragile consensus stems from complaints that every lawmaker has heard from constituents: prescription drugs costs too much.

At Medicare's inception in 1965, policy makers chose not to cover outpatient drugs, because medicines now so indispensable to treating disease either did not exist or were relatively inexpensive.

Instead, Medicare focused on big-ticket items like hospital care and doctors' services. For years, Medicare mostly paid whatever bills health care providers submitted, but by the 1980's Congress decided it needed to restrain rising costs. In subsequent years, Medicare prospectively set limits on what it paid major health care providers, including hospitals, doctors, skilled nursing homes and home health agencies.

The controls have never been popular with the health care industry.

"In Medicare, the tendency is to set prices too low," said Dr. Donald J. Palmisano, president of the American Medical Association. Indeed, Carmela S. Coyle, senior vice president of the American Hospital Association, said 67 percent of hospitals lose money on Medicare.

By and large, however, the measures have managed to slow the growth of Medicare costs, say many health policy experts, including Bruce C. Vladeck and Nancy-Ann DeParle, who ran Medicare under President Bill Clinton. Drug costs, however, have skyrocketed, and while most of the elderly get some help from retiree health benefits, Medicaid or state programs, at least one-fourth of Medicare beneficiaries have no drug coverage.

Under the bills passed this year, the government would subsidize drug coverage provided to Medicare beneficiaries by private insurers and health plans. They would bargain with drug companies to secure discounts and rebates, a task likely to be delegated to pharmaceutical benefit managers, or P.B.M.'s, the companies that already perform the service for many employers. Both bills stipulate that Medicare officials cannot "interfere in any way" in those negotiations.

For President Bush and Republicans in Congress, the concept makes sense: let the marketplace set the prices, rather than government. For years, lawmakers have found fault with Medicare's arcane and voluminous regulations. Congress has frequently intervened to tweak the formulas, taking money from some providers while giving more to others—often to those with the most persuasive lobbyists.

That, in turn, contributes to anomalies in medical care, because doctors have financial incentives to perform certain services and not others. Mr. Scully, the Medicare administrator, said such anomalies were inevitable because Medicare was "a big dumb price-fixer."

Still, Medicare has been a boon to the elderly and their children. Surveys show that beneficiaries are overwhelmingly satisfied with their care. Before Medicare, only 56 percent of the elderly had hospital insurance; the program has contributed to an increase in life expectancy and a sharp reduction in poverty among the elderly.

Moreover, some studies show Medicare has done better at controlling medical costs than private health insurance. Cristina Boccuti, a researcher at the Urban Institute, and Marilyn Moon, a former public trustee of the Medicare program, said Medicare spending grew more slowly than private health insurance costs from 1970 to 2000. Republicans say such comparisons are misleading and contend that Medicare's cost controls have slowed access to new treatments and technology.

NEGOTIATED DISCOUNTS

But that does not seem to be a problem for the V.A. The study by the National Academy of Sciences found that its approach had

"meaningfully reduced drug expenditures without demonstrable adverse effects on quality."

Mr. Valentino said: "When we make our recommendations, it's not because Doctor A, in his or her opinion, believes it is the best drug. It is because the evidence says it's the best drug." Echoing the criticisms of government investigators, he added that P.B.M.'s, by contrast, sometimes make deals favoring expensive drugs for their own financial benefit.

Under the House and Senate bills, Medicare beneficiaries would have access to drug discounts negotiated on their behalf by private insurers and P.B.M.'s. Supporters of the legislation say these discounts could reduce retail drug prices by 20 percent. But Congress consciously decided to disperse Medicare's purchasing power. It did not want Medicare to establish a uniform nationwide list of preferred drugs or a price list for those drugs—mechanisms that the drug industry opposes.

"Price controls cause artificially low prices," said Jeffrey L. Trehitt, a spokesman for the Pharmaceutical Research and Manufacturers of America. And low prices for a government program, he added, would reduce the money available for researching new drugs and could prompt drug makers to seek higher prices from patients with private insurance.

Critics of the drug industry dispute such arguments—and say that they obscure the obvious.

"The obvious is that if you control prices, you pay less," said Mr. Vladeck, the former Medicare administrator. "There are some problems with it, and not all price controls work as well as others. But the pharmaceutical industry does have enough political juice to prevent any reasonable price controls."

The idea of giving people a choice between traditional Medicare and private health plans has deep roots.

"We must promote diversity, choice and healthy competition in American medicine if we are to escape from the grip of spiraling costs," the Nixon administration said in 1970, in words similar to those of President Bush in 2003.

In 1978, Alain C. Enthoven, a Stanford University economist, called for regulated competition among private health plans. Medicare, he said, would subsidize premiums, and the most efficient health plans would pass on their savings to consumers, so patients would have a financial incentive to enroll.

Prompted by such thinking, the government offered new private alternatives to the traditional Medicare program in the 1980's, and Congress encouraged the development of health maintenance organizations. Enrollment grew, in part because many H.M.O.'s offered drug benefits not available in traditional Medicare.

Medicare beneficiaries generally praised the care they received in H.M.O.'s, but the plans did not control costs as their proponents had hoped. Many H.M.O.'s began reducing some benefits, including drug coverage.

They also pressed Congress for more money, saying that their costs were rising 10 percent a year—five times the increase in payments from Medicare. Unable to persuade Congress to close the gap, many abandoned Medicare or curtailed their participation.

That track record has heightened critics' skepticism about the current legislation.

"The myth of the market," said Lynn M. Etheredge, who worked at the White House Office of Management and Budget from 1972 to 1982, "has a powerful sway over people's minds, despite evidence that it is not working in the Medicare program."

The Congressional Budget Office estimates that under the legislation, many private plans will cost slightly more than traditional Medicare. Moreover, there is widespread doubt that insurers—who do not now sell stand-alone drug insurance—will begin to do so.

Even Mr. Scully concedes that such drug coverage "does not exist in nature" and would probably not work in practice. The elderly are heavy users of prescription drugs, so few insurers are eager to write coverage for their drug costs alone, separate from their other medical expenses.

"It would be like providing insurance for haircuts," Charles N. Kahn III said several years ago, when he was president of the Health Insurance Association of America.

LIMITS OF COVERAGE

Even if President Bush signs a Medicare drug bill in the coming year, it will not be the last word.

Health policy experts say that costs may well grow faster than the official projections suggest. That would increase pressure on Congress to hold down drug costs, just as lawmakers continually try to slow the growth of Medicare payments to hospitals.

At the same time, when Medicare beneficiaries realize the limits of the new drug coverage, they can be expected to lobby for more generous benefits. In supporting the Senate bill, Senator Edward M. Kennedy, Democrat of Massachusetts, made clear that it was only a down payment, a foundation for more comprehensive drug benefits.

Ms. DeParle predicts that the legislation will produce a huge demand for drugs, and she is far from certain that competition will do much to control costs. "It is pretty much theory, and that is what worries me about it," she said. The Congressional Budget Office estimates that per capita drug spending for the Medicare population will increase about 10 percent a year over the next decade.

Critics of the legislation doubt its cost can be kept to the \$400 billion budgeted by Congress. "Utilization will go up dramatically, and costs could explode," said Senator Don Nickles, Republican of Oklahoma.

For now, however, politicians have chosen to favor drug companies over Medicare beneficiaries, said Prof. Uwe E. Reinhardt, a health care economist at Princeton University.

"On one hand, there is the taxpayer and, in fact, patients who would benefit from having costs controlled," Dr. Reinhardt said. "But on the other hand, those people do not finance the campaigns of these legislators."

Ms. Coyle of the hospital association declined to address the question of why her industry, but not the pharmaceutical industry, had been subject to price controls. Her group's biggest concern about the legislation, she said, is that "we are not addressing the larger problem: a health care system that is fundamentally broken." The nation, she said, wants the best care for everyone, but needs to decide if it is willing to bear the cost.

So who would be the big winners if the legislation is signed into law?

"The short-run political winner is George Bush, because this law will not be understood by anyone," Dr. Reinhardt said. "It is so complex. But he can go in 2004 and say, 'Look, for 30 years you tried to get a drug benefit—I got you one.'"

And, he added: "the elderly will benefit, too, relative to nothing. Who loses? Obviously the people who pay for it."

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is Senator KENNEDY's amendment, No. 1566.

Mr. BYRD. I thank the Chair. Mr. President, am I at liberty to speak out of order? I do not intend to speak on that amendment.

The PRESIDING OFFICER. The Senator is at liberty to speak out of order.

Mr. BYRD. Mr. President, after reading about the Bush administration's proposed rules with regard to overtime pay, there should be no question that American workers are under assault by the Bush administration.

The Denver Post reports that since President Bush's election in 2000, the Labor Department has repealed 41 worker-safety regulations in development, including two aimed at addressing hazardous chemical dangers. Within 2 months of taking office, President Bush sought to repeal the Labor Department's ergonomic standard to prevent repetitive stress injuries, and has issued four Executive orders to curb the rights of labor unions.

It is not enough that the Bush administration has sought to prevent Federal workers from unionizing or that the White House has blocked an increase in the minimum wage. It is not enough that over 3 million jobs have been lost under the Bush administration's watch or that over 9 million workers are unemployed. The administration now wants to take away the right of millions of workers to receive overtime pay.

America's workers should be very concerned about the overtime changes being proposed by the Bush administration. These rule changes would force workers in executive, administrative, and technical fields to labor for longer hours and could make as many as 8 million salaried and hourly workers, many of whom have grown to depend upon overtime pay, ineligible for it.

It is not just hourly workers in factories and restaurants who will be affected by these rules. We are talking about roughly 14 million U.S. workers who are considered to be eligible for overtime pay—from computer engineers, paramedics, and paralegals, to secretaries, grocery clerks, and delivery route drivers. We are talking about the policemen, firefighters, health care officials—the heroes of the September 11 attacks who worked around the clock. These are the workers from whom the administration wants to take overtime pay.

These are not innocuous rule changes. The Labor Department has been flooded with more than 80,000 letters and e-mails debating the merit of its proposed overtime changes, the most mail the agency has received on any wage-and-hour topic in at least a decade. The Washington Post quoted a number of these letters in a story last July:

"Shame on you, President Bush," read one letter.

"Please do not take away our overtime pay," wrote a Marylander, who

said that her husband works overtime so that she can afford to stay at home to take care of their infant daughter.

"Deplorable," "unfair," "absurd;"—these are the words used to describe this administration's proposal. To these I would add callous, hard-hearted, and out-of-touch.

Overtime pay is about more than just making ends meet. In many cases, it is the money used for unexpected health care costs, to pay medical bills, to care for elderly parents. For many families, it is the money carefully squirreled away to pay for a college education years in the future—those things that make life more than simply going to work to survive. I don't believe that the administration has any real appreciation for how important these extra wages are to a family in these tough economic times.

After graduating from high school in the midst of the Great Depression, I sought employment wherever I could find the opportunity—pumping gas at a filling station, working as a produce salesman, and becoming a meat cutter. It was difficult to make ends meet. So I and my wife, Erma, can well appreciate the willingness to work extra time to provide for a better life for the family. Such willingness to go the extra mile should be rewarded.

Earlier this week, Americans celebrated Labor Day to show our appreciation to this Nation's workers. If we really want to show our appreciation, the Senate should stand up for America's workers against the assaults of this administration and support the amendment by Senators KENNEDY and HARKIN.

Mr. President, I ask unanimous consent that my name be added as a co-sponsor of that amendment.

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

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I come to the floor today to speak about an amendment I will be offering that will bring up the level of President Bush's international mother and child prevention of HIV initiative to the level which the President actually requested. Right now, the bill before us falls \$60 million short of what the President requested. I believe we need to fix that. We need to get the numbers back up to what President Bush asked this Senate and asked this Congress to provide.

The international mother and child prevention of HIV initiative is truly one of the most cost-effective ways that we can stop the spread of HIV/AIDS to children. This initiative very simply allows doctors and nurses to give drugs to pregnant women who are HIV positive, or who have AIDS, to lessen the chance that this disease is then passed on to their unborn babies.

For as little as \$3, doctors and nurses can give these mothers the drugs they

need to lessen the likelihood that their babies are born HIV positive. In fact, when treated with drugs, we are seeing HIV/AIDS transmission rates from the mother who has AIDS to a child about to be born drop from 30 percent to 5 to 10 percent. It is almost a miracle.

Less than a week ago, I returned from a 10-day trip to southern Africa, along with Majority Leader BILL FRIST and Senators WARNER, ENZI, COLEMAN, and ALEXANDER. We traveled to South Africa, Mozambique, Botswana, and Namibia to assess the HIV/AIDS crisis in each one of these nations. On this trip, we saw firsthand how well these mother-to-child transmission programs are working in these countries and how important they are to saving the lives of these unborn babies.

There are already many programs in place in these countries and in other countries around the world—programs that are working and programs that are saving lives. We heard so many times people saying, Thank you—thank you to the United States, thank you to President Bush—for helping set up these programs and for making these programs work.

The bill in front of us provides additional resources for the continuation of these programs and the creation of more programs. The problem is that it does not go far enough. I simply will be asking in this amendment to fulfill the commitment and the request that President Bush made of this Congress to provide a specific amount which he has asked us to provide.

These programs work. We need to get them fully funded.

On our recent trip, for example, we visited a mother-to-child prevention program run by Catholic AIDS Action in Namibia, a nation with a 22.5-percent HIV rate for pregnant women—the fifth highest in the world. At St. Mary's Hospital in Rehoboth, Namibia, Catholic AIDS Action is doing a very good job in enrolling pregnant women in the Women-To-Infant Program. The program has an excellent success rate and is making a difference. We could see that difference. We heard about it.

We met with and talked with a HIV-positive mother. She told us about how this program had reached out to her. She was so very happy and so very proud that, even though she was HIV positive, she had given birth to a child who was healthy and was not HIV positive. She was so very happy. What a miracle it was. What a great thing it was to see.

We saw so many more examples of this throughout our trip. We saw so many good programs out there. People are already doing so much good work to stop the spread of this disease from mother to child.

There are many more good programs ready to go. We just need to get them funded with all the funds they truly need.

One of the most important things I took away from this trip is that we don't have time to delay in helping

these people. Each day we delay, people die—real people, not statistics, real parents and children and babies. And there are things we can do now to start saving these lives.

Time, as the President of the United States told this Congress, is simply not on our side. We need to move forward and provide the proper levels of assistance. So I will be asking my colleagues to support the amendment I will be offering, an amendment to provide the President of the United States with the level of funding he requested for the mother and child initiative. Doing so will help save countless lives and offer hope to the next generation for a life free from HIV. It is the right thing to do.

I thank the Chair and yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1559

Mr. SPECTER. Mr. President, the time has arrived for voting on the Murray amendment. I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and therefore is not in order.

Mr. REID. Mr. President, on behalf of Senator MURRAY, I, by virtue of the relevant statute, move to waive the point of order that has been raised and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. SPECTER. Mr. President, I notice that the Senator from Washington is in the Chamber now. If she would like to have her 2 minutes of argument, I ask unanimous consent that we proceed to 2 minutes of argument on each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. There are 2 minutes on each side.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the chairman and appreciate his accommodating me.

The amendment the Senate is about to vote on is a really important one. Across this country thousands of people who have lost their jobs will never get these same jobs back.

Today, in my home State of Washington, there are 10,000 people on a waiting list in King County alone trying to get into a retraining program in order to obtain the skills they need to get back into the workforce and put food on the tables for their families.

Certainly, at this time in our country's history, when our economy is

sluggish, when people are struggling everywhere, the best we can do—and one of the most important things we can do—is give these workers the skills they need to get back into the workforce.

This amendment is critically important. Many of these training programs have not received any increase in funding in a decade. It is important to us as a country that we have a workforce that has the skills to be marketable. That is what this very critical amendment does. I urge my colleagues to support it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if we had unlimited funding, I would say the Murray amendment would be a good one. But the fact is we do not. This account already has, in the Senate budget bill, in excess of \$3.5 billion. The Murray amendment would seek to add another \$163 million, and it simply is not within our allocation.

If we were to try to find some accommodation within the existing budget limit, we would have to cut other programs. As it is, the Senate report is \$125 million over what the administration had requested. And when you look at the total sum of money which has in excess of \$3.5 billion, that is, obviously, very substantial funding. So I ask my colleagues to vote no and not to waive the point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. TALENT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Yea".

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—46

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Coleman	Kohl	Snowe
Collins	Landrieu	Stabenow
Corzine	Lautenberg	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Conrad	Inhofe	Thomas
Cornyn	Kyl	Voivovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

NOT VOTING—5

Edwards	Kerry	Talent
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 49. Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Democratic leader.

Mr. DASCHLE. Mr. President, I want to offer an amendment in a moment, and I will ask unanimous consent to lay aside the pending amendments, but I would first like to announce we are prepared to go to conference on Energy. I am sure later on today we will ensure that the conferees are announced. I have been working with the distinguished ranking member on Energy, Senator BINGAMAN. He and Senator DORGAN, Senator BOB GRAHAM, Senator RON WYDEN, and Senator TIM JOHNSON, along with Senator BAUCUS from the Finance Committee, will be our conferees on the Energy Committee.

I thank Senator AKAKA for his willingness to allow Senator BAUCUS to take his place as a conferee as a result of the decision not to bifurcate conferences but to keep the conference membership together. Senator BAUCUS will be an official part of the entire conference, and Senator AKAKA kindly allowed Senator BAUCUS the opportunity to represent the Finance Committee as it relates especially to tax issues.

I know there was some comment that our Republican colleagues were waiting for us. We were told right before the August recess that they were not ready to go to conference and so we did not anticipate the need to appoint conferees until we were told a couple of days ago that they were now ready. Of course, we are prepared now to do so as well. So there was not any delay on our part. This is something we wanted to do for a long time. Given the fact we were told they were not ready, we did not feel the need to expedite this matter until we returned.

On another matter, I know there was a good deal of discussion this morning on an amendment that we will take up next week, but I wanted to speak to the amendment myself and that is the amendment relating to the overtime regulation.

Our economy has been hemorrhaging jobs over the last 3 years. We have lost

more than 3.2 million private sector jobs since January of 2001, including 2.4 million jobs in the manufacturing sector alone. At the same time, incomes are flat. The only way many Americans can make ends meet is to work overtime. I know there are many Americans, and many South Dakotans, who I talked to over the course of the last couple of weeks, during the month of August, who told me that were it not for overtime they would lose up to a fourth of their income.

For millions of working families, overtime pay makes the difference between their ability to pay bills and their fear of greater indebtedness. Health bills, education bills, clothing bills, grocery bills, rent, mortgage, child care, all of that is possible.

The reason they work so hard and so long—and I might say that the average workweek has now grown to a larger number of hours than it has been in more than 50 years. This overtime pay reliance is possible because 65 years ago this country made a promise to the workers who drive our economy forward. It was called the Fair Labor Standards Act. It struck a balance between the needs of business and the rights of workers. It actually required employers to pay employees time and a half for every hour of overtime worked, and that now has been the law of the land, as I said, for 65 years.

This simple and fair bargain has improved the lives of hard-working Americans all over this country, expanded the job market by providing an incentive to employers to hire more people when business was good. It has been vital to our economy, and I think it has been the essence of prosperity for many families.

If the administration now gets its way, all of the practice and commitment we have made to workers for 65 years will be swept away and 8 million Americans will be forced to take a pay cut. This spring, the administration revealed its plans to undo protections of the Fair Labor Standards Act and end overtime for 8 million workers. This is an outrage.

Overtime is giving families the means to save for a house or a college education. For hundreds of thousands of families, it lifts them out of poverty. This is what the White House wants to abolish.

Just yesterday, the White House released its Statement of Administration Policy. It declares that if the Senate acts to protect workers' overtime pay in this bill, the President will veto it. The message comes through loud and clear. For them, abolishing overtime is more important than every other provision in this bill.

Let's be clear. This is one of the most egregious and brazen attacks on the American working family in years. The White House proposal would affect workers all over the country and virtually every sector of the economy.

As I said, while I was home in South Dakota during the August recess, I

heard from all kinds of people who came up to me on the streets, in stores, concerned about these changes and they told me how it would devastate them: nurses and physician assistants caring for our sick, teachers educating our children, criminal investigators keeping our neighborhoods safe, and millions of others.

We need these people to do their jobs and to do them well. Frequently, their jobs ask that they work long hours away from their families. Their time is valuable. Their work is critical. They deserve to be paid fairly. We should be taking every possible step to increase job opportunities for working Americans, but changing the FLSA will not only undermine efforts to increase employment but lead to even more lost jobs as employers cut staff and demand increased hours from remaining employees.

This is a critical moment for our economy. Workers are struggling. Interest rates are rising. The number of people who are unemployed increases every single day. The answer to our economic problems is not to take still more money out of the pockets of working Americans. We cannot allow workers to be forced to spend more time on the job and have less pay to show for it.

Next week we will have an opportunity to vote on the Harkin amendment. I must say for working families all over this country, I do not think there will be a more important amendment this entire Congress. I would hope on a bipartisan basis we would say to this administration that 65 years of progress in treating Americans right and fair ought not be reversed by some regulation in this administration or by anybody else. Let us show on a bipartisan basis that we stand with the workers. We will continue to provide them the overtime pay they deserve.

AMENDMENT NO. 1568 TO AMENDMENT NO. 1542

Mr. DASCHLE. I have an amendment at the desk. I ask unanimous consent the pending amendment be set aside and this amendment be considered.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Ms. COLLINS, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. BAUCUS, Mr. PRYOR, Mr. BINGAMAN, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. NELSON of Nebraska, proposes an amendment numbered 1568 to amendment No. 1542.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for rural education)

On page 76, between lines 10 and 11, insert the following:

SEC. _____. In addition to any amounts otherwise appropriated under this Act to carry

out part B of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7341 et seq.), there are appropriated an additional \$132,347,000 to carry out such part: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$25,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,027,546,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,650,954,000.

Mr. DASCHLE. Mr. President, I thank Senator CONRAD and Senator COLLINS who have been partners in this effort. I thank them for their cosponsorship and I appreciate very much their help in addressing this challenge.

America's rural schools today educate nearly 40 percent of the children in our country. Many face funding challenges because of limited tax bases, their remote locations, and the large geographical areas they serve.

The Rural Education Achievement Program is part of the No Child Left Behind Act. It is designed to help schools in rural communities address these challenges and make sure rural students have access to a high quality education. Unfortunately, this program, like so many others in the new law, is grossly underfunded.

The amendment we offer today provides an additional \$132 million to fully fund the REAP Program at the authorized level—I emphasize the "authorized" level—of \$300 million. REAP is the first Federal program dedicated to helping rural schools address the unique challenges they face. It consists of two sections, the Small and Rural Schools Achievement Program and the Rural and Low-Income Schools Program. Small school districts generally receive low levels of funding under formula programs because of their small student populations, which are a very characteristic part of who they are. They also receive fewer competitive grants than their urban and suburban counterparts because they do not have grant writers. The Small and Rural Schools Achievement Program provides supplemental grants to rural schools with 600 or fewer students. It also allows these schools to combine their formula funds into one flexible fund to address their most critical areas of need. In the first full year of funding, more than 4,000 school districts applied to receive funding under the program. Of that group, 3,500 had never received competitive funds from the Department of Education. Over 85 percent of those who applied never received competitive funds in previous years from the Department of Education.

The average award in this program was \$18,000. While the grants are small, most districts at least doubled the total funding they received from the Federal Government, and are able to use these resources to address many of their very critical needs.

The Rural and Low-Income Schools Program is targeted to larger rural districts that have high levels of poverty.

These grants flow through State education departments to eligible local districts. The resources are used to enhance teacher recruitment and retention, educational technology acquisition, afterschool enrichment activities, and other areas that pose challenges for low-income rural districts.

More than 2,000 districts benefitted from this program in 2002, with an average award in that year of \$30,000.

Nearly 40 percent of America's schoolchildren attend public schools in rural areas in small towns with populations of under 25,000. Almost 50 percent of the Nation's public schools are located in rural areas in small towns and 41 percent of public school educators teach in rural community schools.

Rural schools face formidable challenges in meeting the requirements of No Child Left Behind Act because their budgets are particularly limited.

I was in Kadoka, South Dakota in early August and a teacher approached me on the street. All he wanted to talk about was the No Child Left Behind Act. All he could say is that, for them, compliance was almost impossible unless they get some help. He pleaded with Congress to recognize the unique problems the No Child Left Behind Act presented to rural schools, especially Kadoka.

Per-pupil costs tend to be higher in rural districts. Because classes are smaller, the cost of providing teachers is higher per student. Superintendents in South Dakota are also concerned about the impact of the new teacher qualification requirements. Many teachers in rural schools teach several subjects but may not have degrees in all of those subjects. This, too, was an issue the teacher in Kadoka mentioned to me and expressed grave concern about. He noted it can be very difficult to find a good biology teacher, but in a small school that person often teaches general science and chemistry as well as physics because they have no other choice.

Similarly, transportation costs can be significantly higher in rural districts since buses must travel longer distances with fewer students.

In spite of these circumstances, rural schools are expected to apply the same academic standards and obtain the same higher results as urban and suburban school systems under the new law. Additional funding for rural school programs is desperately needed to help these schools address their unique challenges so they, too, can improve student proficiency.

My State has a particularly large number of rural school districts. More than two-thirds of our districts have fewer than 600 students. Administrators tell me they do not have the staff to deal with the paperwork needed to complete Federal grants. For example, when I notified our schools that the Early Reading First Program was seeking proposals, Jack Broome, the superintendent from Burke, SD, responded

that while he thought his students might benefit he was unable to assign anyone to fill out the preapplication which was more than 100 pages long. He serves fewer than 250 children. Of those, 15 to 20 students need additional help with reading. REAP, however, is much easier to apply for and those funds are helping to fill that gap.

Although 2002 is the first year schools could participate in this program, 135 out of 177 school districts in South Dakota are currently participating just a year later. Nearly 40,000 children benefit in my State alone. School administrators tell me how much they appreciate and need this help.

Doug Voss is the superintendent in Centerville, SD, an agricultural community which educates about 250 students. They receive \$17,809 in REAP funds, an increase of more than 10 percent above the amounts they received from other Federal programs. They used their funding to hire a part-time elementary schoolteacher, provide more training for other teachers, and expand their reading incentive program.

John LaFave, the superintendent of the Hansen school district, received \$16,474. That represented a 10 percent increase in their Federal support. The Hansen school district serves 326 students. They used refunds to hire two teaching assistants to work with their growing population of English language learners.

The President's budget has actually proposed that we eliminate funding for the REAP program, for 2 years in a row. He did it last year, but Congress objected. He wanted to do it again this year.

The amendment I have offered would ensure that no student in a rural community is left behind as schools work to implement education reform under the No Child Left Behind Act. We simply cannot turn our backs on the needs of these rural communities. They are doing all they can to comply. Their intent is good. They are troubled; they are concerned; they are frustrated by their inability to comply because they don't have the resources.

Our amendment is very simple. It just says we are going to provide the funding authorized under the law by title VI of the No Child Left Behind Act passed in 2001. That is all it does.

These funds will be spent to enhance key areas outlined by the law, including teacher recruitment and retention, professional development, education technology, parental involvement, school safety, drug use prevention—all in an effort to enhance the academic achievement among rural students as we are demanding they do under the law.

This program is going to help many school districts, not only in my State but I daresay in every single State in the country. I urge my colleagues to support this important amendment. I hope we could see overwhelming bipartisan support as we take it to a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as the Senator from South Dakota has outlined the need for funding in rural education, I think he raised a very valid point. I have special reference to that, having grown up in a small community myself, in a little town called Russell, KS. I think the Presiding Officer knows one of my fellow townsmen, a fellow named Dole, Bob Dole. It is a little town on the windswept plains of Kansas, has 4,989 people. It used to have 5,000 until Dole and I left town.

I am not sure that Russell qualifies under the Rural Education Achievement Program, but I think it probably does. The rural areas need help, although Russell perhaps not as much as some. Russell is located in an area where there was a lot of oil underground. In fact, they found oil to the south of town and to the northwest of town. Then they found oil in the town. The requirements were that to drill an oil well there had to be agreement of quite a number of property owners. They couldn't get the agreement because nobody wanted the oil well in their backyard. They all wanted the proceeds but didn't want the oil well. So I am not sure if Russell was in as great a need as some communities.

But that aside, just as a parenthetical expression, there is no doubt that helping the rural part of America is very important. I think it is worth noting that this is a very new program. It came into existence with the authorization in fiscal year 2002 at \$162.5 million, raised \$5 million in 2003. This year, the administration zeroed out the program, saying there would be sufficient funds from other lines.

When our subcommittee took a look at all of the programs, we decided we ought to keep it, and we funded it at a level rate, as we had to do with so many programs.

In structuring an appropriations bill for the Department of Labor, with worker safety; and the Department of Health with the tremendous needs of NIH and Head Start; and the Education Department, with the mammoth needs in so many directions, it is a Hobson's choice every time we turn around.

As the manager of the bill, along with Senator HARKIN, we have worked on a bipartisan basis. We felt constrained to live within our means as defined by the budget resolution and by the 302(b) allocations.

If we are to measure up to the full authorization and put in \$133 million, we would either have to cut into some of the existing funding, or we would have to go beyond our allocation. I would be at a loss, frankly, to find where an offset might be found. If the proponent of this amendment has any ideas on offsets, I would be delighted to consider them on a comparative basis as to where the priorities ought to be.

When the Senator from South Dakota talks about all we want to do is

come to the authorization, that is not quite so simple. It is the generalization that the authorization is characteristically higher than the appropriation. This issue came up in our consideration of the Byrd amendment. As I pointed out earlier, when it came to the issue of Title I funding for fiscal year 2002, when Senator BYRD was chairman of the Appropriations Committee and the Senator from South Dakota was the majority leader, the appropriation was for \$10.35 billion or \$2.85 billion under the authorization; so that the common practice is to have the appropriation under, and frequently substantially under, the authorization.

If you take a look at the Homeland Security bill, the Transportation Security Agency letter of intent for airport security had an authorization of \$500 million and an appropriation of \$309 million. Fire grants were \$900 million authorization, \$750 million appropriation. And so it goes on many lines. On the Violence Against Women Act, authorization \$667 million; appropriation, \$407 million.

I could go down on item after item where an appropriation is characteristically not as high as the authorization.

So in essence, I find the arguments of the Senator from South Dakota compelling on the desirability of having more funding for rural areas, having grown up in one myself, and, frankly, having been the beneficiary of a very good education system. I have gone to some outstanding educational institutions, but I never had a better education than at Russell High School or a better teacher than Ada May Groetzinger, who was the debate coach.

I think the Senator from South Dakota had a pretty good education, too, the way he handles himself, departs himself, and his achievement level. I would like to see many young people come out, come to the floor of the U.S. Senate. Not too many more competitors from Pennsylvania, I have enough this year. But I think the idea of improving educational attainment and more funding is an excellent idea. I just wish I had more money at my disposal for my subcommittee to grant the request made by the Senator from South Dakota. But I don't.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me say, first, I think the distinguished chairman, as always, does a fine job in working with the allocation with which he is presented. That is not only his choice, I know in many respects he has fought hard for greater allocations so we can address many of these issues. So my argument is not with him. He is making the most out of a very difficult situation.

Having said that, let me just say a couple of other things. We have used the same mechanism in an offset for this amendment that our colleague,

the chairman of the Appropriations Committee, used in offering his amendment to increase the subcommittee's allocation for fiscal 2004. So I join with Senator STEVENS in using what apparently is an appropriate and acceptable mechanism for the offset.

So we have the offset. But I would make one other point. Again, I say this with all deference to the chairman of the committee. I don't remember how he voted on the budget. I didn't vote for the budget. I didn't vote for these allocations. I didn't vote for the priorities that that budget presents—\$3 trillion of tax cuts over the course of the next 10 years.

We are going to be asked—I am told this morning by the White House—to find another \$70 billion for Iraq. I am not sure yet what my vote will be. I want to hear the justification from the administration. I would like to ask them what their offset is. I would like to know how much money we are spending in rural Iraq for education compared to what we are spending in rural South Dakota. If we can find \$70 billion for Iraq over the course of the next few months, I think we can find a few million dollars to fund the authorized amount of education funding for rural America so that we can go back and tell them they have the resources and now we want them to comply with the No Child Left Behind Act.

I don't know what answer I give to a school superintendent in South Dakota when he says, You tell me I don't have the resources, and then you—DASCHLE—go and vote for \$70 billion for Iraq. Explain that to me. I don't have an answer.

Again, that is not the chairman's problem. But that is a problem I have. That is a problem of priorities that I think this administration is yet to explain.

So I don't buy the administration's argument that we just do not have the funds for education when we have all these funds and there is apparently more where that came from when we need it for Iraq.

Again, I compliment the chairman for the work he does in meeting many of the needs we have. He has a tough job. But on this issue, I think we can find the funds if we have the desire.

Mr. CONRAD. Mr. President. I am very pleased to join my distinguished colleague and the minority leader as a cosponsor of an amendment to increase funding for the Rural Education Achievement Program (REAP). No Senator has been a stronger advocate on behalf of rural schools and supporter of REAP. The amendment would increase REAP funding by \$132 million, bringing appropriations for the program to the authorized funding level of \$300 million under the No Child Left Behind Act.

As my colleagues are aware, the Senate Appropriations Committee reported a Labor-HHS bill that funds REAP at a level of \$167.6 million for fiscal year 2004, the same funding level

as fiscal year 2003. The House Labor-HHS appropriations bill, H.R. 2660, includes \$170 million for REAP. I am especially grateful to appropriators in both the House and Senate for funding rural education, especially since the Administration failed to recommend any funding for REAP in the fiscal year 2004 budget.

While I am pleased with action by Senate appropriators to provide \$167.6 million for REAP, the recent enactment of the No Child Left Behind Act has made clear the critical need for additional grant assistance for smaller, rural school districts. Historically, rural school districts receive a smaller percentage of federal education dollars because of their inability to compete as effectively for funding as larger urban or suburban districts are able to do. Additionally, the geographic isolation of many smaller, rural schools, many of which also have declining enrollments, a very limited tax base and significant transportation costs, makes it more difficult to find the resources to provide certain educational opportunities for students.

As my colleagues may recall, Senator SUSAN COLLINS and I introduced legislation to authorize the Rural Education Achievement Program during the 106th Congress. At the time, we were very concerned that many smaller, rural districts did not have the resources or staffing to compete effectively for many of the Department of Education competitive education grant programs. Additionally, in cases where rural school districts received formula allocated funds based on student population or other criteria, the funding was minimal and there was no flexibility to enable local school officials to more effectively use the limited funds to help improve student achievement or professional development.

The REAP program was enacted late in the 106th Congress and initially funded at a level of \$162.5 million in fiscal year 2002. Under the REAP program, two small, rural schools programs were authorized. The Small and Rural Schools Achievement Program is a formula grant program that authorizes grants directly from the DOE to eligible school districts. The districts eligible under this program must have an average daily attendance of 600 students or less and be designated by the National Center for Education Statistics, NCES, with a locale code of 7 or 8. Under the Small and Rural Schools Achievement Program, school districts are permitted to consolidate new formula allocated funds under teacher quality, local technology, safe and drug free schools, and innovative programs. The consolidated funds may be spent on any of the preceding programs or Title I, Part A, language improvement and after school programs.

Under the Rural and Low-Income Schools Program, funding is competitive and school districts may apply directly to DOE. School districts must have an NCES local code of 6, 7, or 8

and have a census poverty rate of 20 percent. Funds may be sued for teacher recruitment, professional development, parental involvement, Title I, Part A, bilingual education or Safe and Drug Free Programs.

The REAP program is very important for smaller, rural schools, especially with the new requirements for testing and professional standards under the No Child Left Behind Act. Approximately 80 percent of schools in North Dakota are eligible for REAP funding. I know from a Budget Committee hearing that I chaired last week on implementation of the No Child Left Behind Act and conversations with rural school officials in North Dakota that the \$1.2 million in REAP funding that went to North Dakota last year helped 117 school districts meet some of the challenges under the new Act. Funds were used for professional development for teachers, to provide distance learning opportunities to assist with the purchase of computer equipment for classrooms.

Unfortunately, Mr. President, funding in the fiscal year 04 Labor, HHS bill for No Child Left Behind including for rural education, is not adequate. Although S. 1356 provides \$23.6 billion for DOE education programs, the bill provides \$8.4 billion less than the authorized level in fiscal year 04 for No Child Left Behind, including \$132 million below the authorized level for REAP. Without question, we are not fulfilling our responsibility to provide adequate funding to states and local school officials to help communities achievement the goals under NCLB. REAP is an essential program under NCLB, and I hope that my colleagues will support the Daschle amendment to fully fund rural education at the \$300 million level.

Mr. DASCHLE. 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. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1572 TO AMENDMENT NO. 1542

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. HAGEL, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. DORGAN, Mr. BINGAMAN, Mr. KERRY, Ms. MIKULSKI, and Mr. PRYOR, proposes an amendment numbered 1572 to amendment No. 1542.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act)

On page 76, between lines 10 and 11, insert the following:

SEC. _____. In addition to any amounts otherwise appropriated under this Act for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are appropriated an additional \$1,200,000,000 for such grants: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$84,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$8,095,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$5,583,301,000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and my colleagues, Senator HAGEL of Nebraska, Senator JEFFORDS of Vermont, Senator COLLINS of Maine, Senator MURRAY, Senator DORGAN, Senator BINGAMAN, Senator KERRY, Senator MIKULSKI, and Senator PRYOR. There may be others who will ask to be added as a cosponsor, but those are the ones I have at this particular time.

This is an amendment that all of my colleagues are familiar with. They have voted on this amendment on several occasions over the last decade. On at least one occasion, we voted unanimously in support of an effort to increase funding for the Individuals With Disabilities Education Act, commonly known as IDEA.

This amendment deals with special education funding. There is not a Member here who has not met a Governor, a mayor, a county supervisor, or a teacher who has not talked about this issue and the importance of it and the implications to their communities and their States if the Federal Government does not live up to its commitment of 40% full funding. A commitment made almost three decades ago.

I offer today a modified version of full funding. We have already voted once, in the last, I think, 24 or 48 hours, on a special education proposal from my colleague from Minnesota, Senator DAYTON. He proposed a far more aggressive program, one that would have added about \$11 billion, if I am not mistaken, to this program. My amendment is \$1.2 billion above the Labor-HHS appropriations for special education grants to states. The budget within the bill adds \$1 billion for Part B Grants to States. This amendment would add and additional \$1.2 billion to that, for a total \$2.2 billion increase.

Let me explain what we are trying to do and why I hope my colleagues understand how critically important this issue is, regardless of whatever feelings they have had about other proposals. First, obviously, this amendment will help provide needed education for children with special needs. Second, it will provide financial relief for communities.

Most of the dollars spent on special education come from local property taxes. Some States are different, but the overwhelming majority of States in this country support educational efforts through local property taxes. If we do not continue to provide some additional support and live up to the commitments we made three decades ago to fund IDEA at 40%, you are going to see an increase in local property taxes to meet these obligations. I don't think anyone needs to spell out the kind of hardship that would pose for a lot of families across this country. Families that are already facing tremendous economic pressures, with high unemployment, and with huge deficits at the State and local levels.

You have heard over and over again of the tremendous pressures communities are facing today. You have heard about the added burden of having to watch property taxes go up to meet obligations we promised we would make at the Federal level in regards to special education. This amendment would ease that burden by picking up some of the cost.

As I said, almost 30 years ago Congress passed the Individuals With Disabilities Education Act. This was designed to help States provide all children in this country with disabilities with a free, appropriate public education in the least restrictive environment possible.

When we passed this legislation, the Federal Government also made a commitment to our States and localities. We said we would cover 40 percent of the State cost of servicing these students with special needs over time.

Thirty years later—three decades later—we have yet to make good on that commitment. Today, our level of commitment hovers around 18 percent, not 40 percent. This means, of course, that States are bearing more than their share of responsibility for meeting a federally mandated requirement regarding disabled student's needs. States that, mind you, are facing astronomical deficits, as I mentioned a few moments ago. States that often have no choice but to pass costs on to municipalities, which then, of course, pass them on to every-day, average American taxpayers through local property tax increases.

The amendment I am offering with my colleague from Nebraska, Senator HAGEL, Senator JEFFORDS, Senator COLLINS, and others, is designed specifically to provide some relief in this area. This legislation would add an additional \$1.2 billion to the special education fund, bringing us up to a \$2.2 billion in the total increase to grants to States. This is exactly what we promised to provide in the fiscal year 2004 budget resolution. This is exactly what we voted on. We said this is what we would provide, an additional \$2.2 billion. So not only did we make a commitment 30 years ago to provide 40 percent of the funding, as recently as within the last year this body made a

commitment that we would fund an additional \$2.2 billion in grants to States in the area of special education.

This amendment makes us live up to that commitment. This \$1.2 billion added increase would raise the level of the Federal Government's IDEA commitment to 21 percent from 18 percent. That is just over half of the 40 percent we set as a goal almost 30 years ago. At this rate, \$2.2 billion a year, the Federal Government would meet its goal of 40 percent full funding by the year 2012, some 9 years from now.

I know there are those who would suggest that we ought to fully fund this immediately. I wish we could do that. I would be supportive of that kind of an effort, but, obviously, given the tremendous fiscal problems we face at the national level, it is impossible. So rather than suggest we fully fund a remaining 21 percent or more, what we are suggesting here is a \$2.2 billion increase for one year. If we maintained this increase over the next 9 years, up until the year 2012, we could fully fund the commitment that we made 30 years ago.

Currently the Labor-HHS appropriations bill adds roughly \$1 billion in grants to states. According to the Congressional Research Service, this boost would fund IDEA at about 18.7 percent. More importantly, if this \$1 billion increase were to become the standard rate of increase over the coming years, we would never fully fund the special education program. We would never be able to meet the goal that we promised 30 years ago of 40-percent funding, certainly not by the year 2012.

Again, the cost of special education is extremely high. We all know that. Talk to any superintendent of schools, any mayor, county supervisor, Governor, any teacher in any school, and they will tell you, whether they are Democrats or Republicans, anywhere in the United States, all 50 States, the cost of this program is extremely high. They understand the need for it as well. If you talk to them you begin to understand the tremendous fiscal pressures they feel in their communities. In fact, I am quite sure every one of us in this body, including in the other body, have had these types of conversations with our mayors and other local leaders, telling us how important it is that we try to meet our special education commitment of 40 percent.

Better yet, talk to any rural mayor or selectman in my State, Vermont, Nebraska, any one of the communities around this country, and you will begin to understand how as little as two or three special education students in a rural community can throw an entire district's budget off balance. These school districts need our help. They have been asking for it year in and year out.

To the credit of this institution, in years past we have risen to the challenge. This body has voted in support of special education funding. Keep in mind that the amendment I am offer-

ing on which Senators HAGEL, JEFFORDS, and COLLINS worked closely, provides for an additional \$1.2 billion for only 1 additional year. It is not full funding. In the context of this bill, we have not asked to fully fund IDEA over a set number of years. We are merely asking that we provide our States with some fiscal relief now and provide our taxpayers with some fiscal relief now by providing States and rural counties with the funds they need to carry out their obligations to children with special needs today. It is a modest proposal but a much needed one across the country.

In my State of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs in our school districts—and it is true in almost every other State across the country—schools are struggling to meet the needs of students with disabilities. The costs borne by local communities and school districts are rising dramatically. The local burden is immense. This amendment is an opportunity not to alleviate it entirely but to alleviate some of that burden. Providing an additional \$1.2 billion for special education not only demonstrates this body's commitment to universal access to education for all children, it helps entire communities by easing the tax burden of everyday taxpayers.

When we do not meet our Federal funding obligations then a mayor or county executive has to make up the difference. As you can imagine, there are only two ways to do this: Either you slash social services or you raise local taxes. I don't know about my colleagues, not all of them, but I can assure you that now is not the time to raise local taxes. I also do not want to see our students shortchanged in the quality and quantity of the programs that are offered from town to town and city to city all across the country. I don't understand how raising taxes or cutting services or quality of services are even options that ought to be considered.

Recently the President signed into law a tax cut of over a hundred billion dollars for some of the wealthiest of our fellow citizens. I represent, of course, one of the most affluent States in this country, Connecticut. Still I can say without equivocation that the vast majority of people in my State would support increasing expenditures for something as important as education. In fact, I know and am confident that even the wealthiest of my citizens, who are the beneficiaries of some of the tax cuts, would much rather see resources used to improve the quality of education for children in the 21st century than to provide a tax cut which most of them would tell you they don't need at all.

I am asking today that Congress, without equivocation, support the same thing that the overwhelming majority of our citizens say they support. I say this with the understanding that the Federal Government is facing its

own budget challenge similar to that of the States. I understand that our economy is slumping and that the deficits at the State level are estimated to run at roughly \$100 billion. Still, I cannot accept the argument that because our economy is faltering, we cannot provide our children and their families with the critical educational resources they need, and we need, as a nation. I cannot accept that we cannot increase the Federal commitment to special education and otherwise ease the burden of the average American taxpayer.

I do not find it acceptable, further, that we are yet again passing the overwhelming majority of costs of special education implementation on to our States. I do not find it acceptable that we are passing on the overwhelming majority of costs of special education implementation on to our local taxpayers.

Having said all of this, I stress again, education needs to be viewed as, and remain, a national priority. Investment in education is no less important in a weak economy. In fact, I could make a case it is more important. Education is the gateway to a better life, the key to a healthy democracy, and absolutely essential to our long-term national economic growth and security. For these reasons, I ask that my colleagues help our schools, our families, and our children by providing them with the resources they need to maximize their potential.

My colleagues understand that and know well how strongly the Governors, mayors, and county executives across this Nation feel about this issue. Inevitably, over the years they list special education as one of the most, if not the most, important areas in which the Federal Government can assist them by meeting the obligation that we proposed 30 years ago.

Thirty years ago, when we passed the Individuals with Disabilities Education Act, we told States we would help them meet their constitutional obligation to provide children with disabilities a free, appropriate education by providing States with 40 percent of the cost. They would have to pick up 60 percent. The States accepted this ratio of 40 to 60 percent.

Tragically, for three decades the States have picked up 80 percent; in fact, only recently, 80. Up until a few years ago it was more.

The amendment I am offering only gets us about halfway to 40 percent, to about 21 percent. At a rate of \$2.2 billion it would be another 9 years before we fully meet the 40 percent obligation. But we have to start. We have passed this legislation in the past, or at least similar legislation, and regrettably the other body has refused to accept it and rejected it. But that doesn't mean we ought not to keep on trying.

I hope the President will step up and support this effort. Every mayor and Governor I have ever talked to, Republican or Democrat, tells me they need help in this area and they want us to live up to our obligations.

I urge my colleagues to support the effort my colleagues from Nebraska, Maine, Vermont, and I, and others, are offering. This is a bipartisan amendment being offered by Democrats and Republicans. This is one area in which we ought to find common cause and common bond and say to our States and mayors: We hear you. You are under great pressure today, tremendous pressure and we can help. Here is a modest proposal to get us to a level of funding that can truly make a difference in our Nation.

I will remind my colleagues that just 2 years ago a bipartisan group of 31 Members of this Chamber introduced legislation to direct the Appropriations Committee funds to fully fund special education by the year 2007. That bill, S. 466, was the foundation of the Harkin-Hagel amendment to the No Child Left Behind Act. It was passed by this body on a unanimous vote. Every single Member of this body voted for it. It would have increased Federal support for special education by \$2.5 billion a year until we reached full funding.

Unfortunately, because of strong opposition from the President of the United States and the Republican House leadership, this provision, adopted unanimously by this body, was not included in the final drafting of the No Child Left Behind Act. The administration seemed to be saying no child left behind—unless, of course, he or she is a special needs child.

Today's amendment builds on the step this body took in 2001, 2 years later, through the Harkin-Hagel amendment, to fully meet our special education obligation. Today's amendment enables us, once again, as a bipartisan body, to recommit ourselves to this cause.

I ask my colleagues to support this amendment because it is good for students, families, for schools, municipalities, States, and for the average American taxpayer, because so much of education is paid for through local property taxes. Before 1975, only 20 percent of children with disabilities received a formal education. Eighty percent of kids with special needs were being left out of the educational process. Today, as a result of the Special Education Act, we serve 5.4 million school age children, as well as 200,000 infants and toddlers, and 600,000 preschoolers. That is something for which all of us can be deeply proud.

I remember working on this idea when, under President Gerald Ford, I was a new Member of Congress—30 years ago. I had a head of black hair in those days. And while it has turned white over 30 years of experience around here, I remember the great sense of pride in the country when President Ford initiated the effort to not leave behind 80 percent of special education students that were not getting services.

Let me recite the numbers again because every Member ought to be proud of the fact that this is a better and

stronger country today because special education children are getting an opportunity to maximize their potential through our public schools, are getting an opportunity to be self-sufficient, independent, contributing citizens. 5.4 million school age children, 200,000 infants, and 600,000 preschoolers are all getting assistance as a result of IDEA. This assistance is being paid primarily with local property tax money.

We need to step up and meet our obligation. As a result of special education legislation, the number of children with disabilities who graduate from high school and go on to college has increased significantly over the last few years. These are things for which America can be proud.

Yet, while we are proud, we must also be concerned with the difficulty the cost of this program causes for cash-strapped States and localities in our Nation. We need to recognize that if we do our part—if we provide States with additional special education funds—we are helping to relieve tax burdens.

I am going to be asked, I am sure, how do we pay for this. We do this by forward funding—an idea used here by others in the Chamber. By forward funding, we can pick up the cost without creating the kinds of hardships that are felt by slashing away at other programs that need continued support.

Let me just mention, if I can, what this amendment may mean to States in terms of additional assistance. I don't have every State here, but to give you an idea, this amendment would provide an additional \$130 million for California; \$14 million for my State of Connecticut; for Nebraska, \$8 million; for New Hampshire, \$5 million; for Pennsylvania, \$49 million more for special needs kids; for Tennessee, \$26 million more. Think of what that means to the States. I will provide these numbers for my colleagues so they know exactly how much more passing this amendment would mean to their States. What kind of relief it could provide for them as they struggle to meet fiscal burdens and challenges.

I see my colleague from Vermont is here, a cosponsor of the amendment. I don't know how my colleague from Pennsylvania wishes to proceed. I presume he wants to hear from all of us.

At this point, I yield the floor and I hope others may be heard on this issue. I think it is extremely important and it is my fervent hope that this is an amendment that deserves broad-based support.

I ask unanimous consent that the distinguished Senator from Minnesota, Mr. COLEMAN, be added as a cosponsor as well.

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

Mr. DODD. We are getting to the point where we have almost as many Democrats as Republicans cosponsoring this amendment. My hope is that we can all join together on this. We have been divided on a lot of issues.

Special needs kids deserve us joining forces. We ought to demonstrate that we can do things together on something such as this. We did it in 2001. It is 2003 now and the problems are so much more severe today in terms of the burdens on States and localities.

I hope I can add every Senator to this amendment. What a wonderful message that would be as we have come back from the August break. The school year has begun and parents are worried about whether resources will be there for their kids. Taxpayers wonder whether there will be additional costs to them. This amendment provides an opportunity for us to get together and send a resounding message across the country that we are willing to get this job done. It may take another 9 or 10 years, but we are on the road to getting it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I am pleased to join with my colleagues, Senators DODD, HAGEL, and others, in offering the amendment today that will provide an additional \$1.2 billion in funding for special education. This will bring the total to \$2.2 billion and put us on the path to fully fund special education within 8 years.

Unfortunately, I think this has become an annual event. Every year we try again to make the Federal Government fulfill its promise of nearly 30 years ago. Every year we have tried and every year we have failed. This battle started in 1975 when Congress passed the special education bill. As a freshman Congressman, I had the pleasure of working on that bill with my colleague, then-Congressmen HARKIN and DODD.

We recognized that special education would be costly, and we pledged to help States by covering 40 percent of these costs. But time and time again, the Federal Government has failed to keep its word. Instead of providing 40 percent, as we promised, we are currently providing only 18 percent.

The bill before us proposes to increase spending by about \$1 billion, and many of my colleagues will speak to how significant an increase this is.

I wish to recognize the chairman and the ranking member for their efforts on increasing special education funding, but I am afraid it is just not enough to meet the needs of our schools. We could increase special education spending by \$1 billion each year, but at this rate we could never reach the level of funding that was promised.

Congress has failed time and again to keep its word on special education, and I am both embarrassed and troubled by this. I am embarrassed because we claim to be committed to educating our children, but we do not provide the support to our local schools to do so.

This pattern of chronic underfunding hurts all the children. When school boards develop their budgets, they have

a court-ordered constitutional responsibility to ensure that special education needs are addressed. Too often, they are forced to raise local property taxes or to cut services to all children. Failure to fully fund our share of special education forces our school boards to make impossible choices and divides our communities.

We cannot continue to pretend we are doing our part here in Washington. We cannot continue to call for higher standards and greater achievement while not living up to our end of the bargain. We cannot continue to pit our students against each other in classrooms and school board meetings across the country. And we cannot continue to leave our States, our towns, and our local taxpayers to foot the bill because the Federal Government has failed to keep its promise.

I am troubled because in my State of Vermont, a promise is not made casually or taken lightly. In developing this legislation which has helped so many, I gave my word that this would be a shared responsibility and that the Federal Government would pay its fair share. We have not, and this has gone on for too long.

We have heard over and over from State legislatures and school boards around the country that full funding of special education is a top priority, a constitutional requirement.

In my small State of Vermont, we are talking about the difference between \$21 million, the amount of the Federal special education funds my State will receive this year, and \$44 million, which is what Vermont would

have received if we had just kept our promise.

Right now, my State is struggling, like so many others, to cut budgets because of the economic downturn. Education dollars will not be spared, and that additional \$23 million would have gone a long way this year toward easing the pain of the State's budget crunch.

We are here today to ask the Federal Government to keep its promise. While we are almost 30 years overdue, there is no better time than now to do it. I urge my colleagues to support this amendment. The Senate has repeatedly passed symbolic votes to fully fund IDEA, but these votes have been nothing more than symbolic. It is time to move beyond the symbolism. Please join me in passing this bipartisan legislation. Please allow us to be able to look into the eyes of the children and the citizens of our States and tell them we have kept our promise.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Vermont for his leadership on this issue. Along with Senator HARKIN, we were both freshmen Members of Congress in 1975. President Gerald Ford, along with the Congress, adopted the legislation which created the act to deal with students with disabilities. Senator JEFFORDS has been a champion on this issue for 30 years. I am so pleased to be joining with him in this effort once again. I regret it has taken us this long. We have had some great successes in the past.

As I mentioned earlier, less than 2 years ago we voted unanimously to send a message that we cared about this issue. In fact, we adopted a larger sum of money than what we are asking for today. The amendment Senator JEFFORDS offered, along with Senator HARKIN and Senator HAGEL, was for \$2.5 billion. We are talking about \$2.2 billion, when you add the \$1.2 billion that is in the bill. It is less than what we asked for 2 years ago to get us on a road to meeting the full 40 percent funding commitment we made 30 years ago.

I thank the Senator from Vermont once again for his tireless efforts on behalf of America's children, their families, and taxpayers. I know others want to be heard on this matter.

I ask unanimous consent to print in the RECORD a listing of all the increases, to print what this \$1.2 billion will mean State by State. I know the Presiding Officer, my good friend, will be curious to know how Idaho would do. Idaho will get an additional \$6 million under this program if we get these additional dollars for special education funds. I am quickly looking down the list because I do not want to leave out my colleague from Oregon. An additional \$14 million will go to his communities to defray the cost of special needs children. I include what this amount means to each State so my colleagues can have some idea as to how they will benefit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	FY2004 increase of \$2.2 billion over FY2003 amount	FY2004 estimated full funding
Alabama	\$143,066,000	\$158,700,000	\$178,923,000	\$303,153,000
Alaska	26,501,000	29,838,000	33,468,000	57,692,000
Arizona	132,563,000	149,252,000	167,414,000	342,540,000
Arkansas	85,906,000	95,603,000	107,944,000	208,622,000
California	933,124,000	1,046,811,000	1,178,466,000	2,131,907,000
Colorado	112,272,000	126,407,000	141,789,000	258,992,000
Connecticut	103,861,000	114,227,000	128,051,000	236,382,000
Delaware	24,288,000	27,346,000	30,674,000	56,740,000
District of Columbia	12,212,000	13,750,000	15,423,000	38,422,000
Florida	479,525,000	530,376,000	596,151,000	1,244,798,000
Georgia	233,043,000	262,383,000	294,312,000	586,415,000
Hawaii	30,632,000	34,489,000	38,686,000	74,866,000
Idaho	41,226,000	46,416,000	52,064,000	92,671,000
Illinois	393,134,000	435,094,000	489,367,000	991,792,000
Indiana	200,791,000	221,789,000	248,948,000	533,684,000
Iowa	96,042,000	105,628,000	118,411,000	234,267,000
Kansas	84,072,000	93,293,000	105,220,000	203,511,000
Kentucky	122,827,000	135,917,000	152,848,000	319,394,000
Louisiana	142,508,000	160,449,000	179,974,000	321,458,000
Maine	43,047,000	47,343,000	53,073,000	118,272,000
Maryland	153,622,000	169,751,000	190,613,000	360,265,000
Massachusetts	223,317,000	245,605,000	275,328,000	495,396,000
Michigan	308,119,000	342,792,000	387,640,000	738,182,000
Minnesota	149,337,000	164,529,000	185,076,000	358,666,000
Mississippi	92,158,000	103,760,000	116,387,000	203,198,000
Missouri	178,701,000	196,536,000	220,321,000	459,105,000
Montana	28,125,000	31,490,000	35,519,000	61,335,000
Nebraska	58,742,000	64,605,000	72,424,000	139,774,000
Nevada	49,853,000	56,129,000	62,959,000	135,447,000
New Hampshire	37,334,000	41,060,000	46,029,000	98,661,000
New Jersey	284,356,000	312,736,000	350,583,000	750,016,000
New Mexico	71,699,000	79,229,000	88,969,000	165,292,000
New York	597,208,000	660,212,000	741,706,000	1,404,109,000
North Carolina	235,924,000	260,564,000	293,542,000	607,637,000
North Dakota	19,722,000	22,205,000	24,907,000	44,269,000
Ohio	344,364,000	386,101,000	434,899,000	790,180,000
Oklahoma	116,368,000	129,216,000	145,834,000	290,516,000
Oregon	100,991,000	112,110,000	126,494,000	245,531,000
Pennsylvania	336,056,000	374,907,000	424,147,000	835,395,000
Puerto Rico	81,033,000	91,234,000	102,337,000	220,777,000
Rhode Island	34,402,000	37,836,000	42,415,000	104,193,000
South Carolina	137,797,000	153,708,000	172,926,000	350,504,000
South Dakota	23,494,000	26,452,000	29,670,000	55,641,000
Tennessee	181,996,000	201,695,000	227,175,000	399,311,000
Texas	725,934,000	811,593,000	916,785,000	1,580,296,000
Utah	81,887,000	92,196,000	103,416,000	178,607,000
Vermont	19,016,000	21,410,000	24,015,000	43,718,000
Virginia	214,099,000	236,861,000	266,302,000	543,174,000
Washington	170,259,000	190,579,000	215,021,000	390,060,000

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	FY2004 increase of \$2.2 billion over FY2003 amount	FY2004 estimated full funding
West Virginia	59,745,000	65,708,000	73,660,000	160,640,000
Wisconsin	163,780,000	181,384,000	204,153,000	404,601,000
Wyoming	19,949,000	22,461,000	25,194,000	42,329,000
State subtotals	8,740,029,000	9,721,766,000	10,937,631,000	21,012,405,000
Estimated amounts for outlying areas, BIA, and evaluation	134,368,536	136,766,744	136,766,744	NA
Totals	8,874,397,536	9,858,532,744	11,074,397,744	

Mr. DODD. Mr. President, I yield the floor, and I thank my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before they leave, I commend my colleague from Connecticut, Senator DODD, and my colleague from Vermont, Senator JEFFORDS, for the tremendous work they are doing on behalf of that critically important population of kids.

As the Senator from Connecticut noted, my home State would receive substantial sums under their important amendment. I support it and urge all my colleagues in the Senate to support the amendment.

IRAQ RECONSTRUCTION

Mr. WYDEN. Mr. President, news reports last week revealed that the Bechtel Corporation would be receiving an extra \$350 million in Iraq reconstruction work over and above the \$680 million contract they were awarded by the U.S. Agency for International Development earlier this year.

Meanwhile, it was also reported that the Halliburton company has been awarded contracts totaling \$1.7 billion in connection with the war in Iraq.

Despite repeated promises by the administration to recompute Halliburton's contract, most recently in July, this has still not occurred.

This is especially relevant today because the papers today reveal that the administration intends to seek more than \$60 billion in additional taxpayer funding to cover the mounting costs in Iraq, and that is, of course, on top of the \$79 billion wartime supplemental funding the President signed into law last April.

I come to the floor this afternoon because as this new debate begins, it should be noted that not once have U.S. taxpayers been given a true accounting of expenditures in Iraq.

This summer, I held, like so many colleagues, town meetings at home. I had 10 town meetings all across Oregon, and repeatedly at these sessions citizens would come up and say: Where are these vast sums going? What is being done to prevent waste in these expenditures? And isn't something being done to make sure that at a time when we are having so much difficulty in Oregon funding schools, health care, and essential services, steps are being taken at the national level to make sure these huge sums being spent for Iraqi reconstruction are being spent wisely?

But the fact is that the public and the Congress are in the dark with respect to a true accounting for these ex-

penditures for Iraq reconstruction. I think the American people and the Congress deserve better.

The budget presented earlier this summer by the Administrator for Iraq, L. Paul Bremer, in effect, used accounting that resembled the approach about which Enron was talking. It had over \$1 billion in capital expenditures off budget, and if these costs had been included, the budget simply would not have been in balance.

Certainly, no private company could operate this way. Its accounting would never pass muster with the Securities and Exchange Commission under the Corporate Accountability Act.

My concern is the American taxpayers do not want to find themselves, with respect to these Iraqi reconstruction expenditures, in a situation like so many Enron employees faced—I had constituents involved in this—that hits them when the house of cards begins to crumble.

With enormous sums at stake, American taxpayers deserve a full accounting of what they are getting for their hard-earned tax dollars.

The question now for the Senate is: How much longer is the Congress going to continue to shovel money out the door for Iraqi reconstruction without insisting on the truth for those at home whom we represent? Americans have been kept in the dark about how these handpicked contractors go about doing their business.

Senator COLLINS, Senator CLINTON, myself, and a group of Senators on a bipartisan basis, have been concerned about the substantial evidence that indicates that these contractors were not picked because they were the most cost competitive. In a rare moment of candor, one of the officials in the administration actually admitted that they were using companies to perform work that could be done at a lower cost. Yet there has been no justification for that, no explanation as to why time and again Federal agencies have let contracts for Iraqi reconstruction without asking for competitive bids at all or by confining the bidding process to a select group of U.S. companies that seem to have very good connections.

Earlier this year in the Defense appropriations bill, I was able to write into the legislation a measure that would require the administration to explain why it chose to let billions of dollars in private contracts for reconstruction go forward without open and competitive bidding. That measure is now in conference. I urge my colleagues to accept that provision, make sure that it gets to the President's

desk, and that there is some accountability with respect to these dollars.

If billions of dollars are going to go out in private contracts, the rule ought to be open competitive bidding. Colleagues such as Senator COLLINS, who chairs the Committee on Governmental Affairs, have great expertise in this area. There have been various reports in recent years that have documented how it is fraught with problems for taxpayers if we get away from the principle of open and competitive bids. Yet it seems that the closed-bid process, closed and secret bids, are more the rule rather than the exception with respect to Iraqi reconstruction contracts.

I believe if Federal agencies had to justify their spending decisions in Iraq, there would be egregious cases of waste that would be stopped. We would not see money funneled to a handpicked group of companies, and we would see more of the contracts awarded to lower bidders who actually had to compete, and the public would see the fruits of full and open competition.

Clearly, as this rebuilding effort goes forward, the American people are saying, at a time when our schools are closing early, at a time when we have bridges, roads, and critical infrastructure crumbling from neglect, they want to know what is being done to ensure that their tax dollars are spent in a judicious fashion.

This is not the first time this request has been made on the Senate floor, and I am certainly not the only Senator who has been issuing this call. As I said, on various legislation, the Defense authorization, the Defense appropriations bill, a bipartisan group of us, particularly the chair of the Committee on Governmental Affairs, Senators COLLINS, CLINTON, BYRD, LIEBERMAN, and myself, all of us have said it is time for some sunshine. It is time for some sunshine at a period when vast sums of the people's money are being used for Iraqi reconstruction, and yet little is known about how this money is being spent and whether it is being spent in a prudent fashion.

At a time when Oregon families are hurting, when we are having difficulty getting funds for education at home in Oregon—and I know this is true elsewhere—I want the full truth about how these tax dollars are being spent in Iraq and why the administration is refusing to use the most cost-effective method again and again for doling these dollars out.

Most of all, it is time for the administration to level with the public. At this point, virtually the only information Congress and the citizens of this

country have with respect to these billions of dollars worth of contracts are the news reports. Certainly, what I am reading makes the Iraqi contracting process look more like a cash grab for a few companies than a fair process to get the taxpayer the best deal. Instead of awarding the contracts to the lowest bidders, too often the administration has funneled ever larger sums to a select group of companies that seem awfully well connected.

Now, more than ever, taxpayers deserve to know the terms of the contracts that have been awarded and how these contractors were selected.

My amendment to the Defense appropriations bill would require the disclosure of that critical information. It would create not just openness in the contracting process but would help ensure that the careful spending of tax dollars in Iraq gets the value that America's working families deserve.

I think virtually every Member of the Senate would agree that the American people should not be asked to write blank check after blank check for the cost of rebuilding Iraq. They certainly should not be asked to do it when they have gotten absolutely no answers with respect to how their money is being spent and why. The American people have not received any assurance that their tax dollars are not being wasted in Iraq while so many of them are hurting at home.

So I intend to keep this fight visible on the Senate floor. I think all of us ought to be taking every step possible. We have two pieces of legislation to do it, to ensure that there is accountability for these expenditures, and to ensure that actual steps are taken to cut the waste. The families I represent in Oregon deserve careful, not wasteful, spending of tax dollars that are used to reconstruct Iraq. Right now, those citizens and the Congress are in the dark and the American people deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to comment on two of the amendments that I am pleased to join my colleagues in cosponsoring. First, let me acknowledge the hard work of Senator SPECTER and Senator HARKIN in shaping this bill. There are so many important priorities. They have done a very good job.

The amendments I have cosponsored have to do with education spending. First, I think it is important that all of the Members of this body acknowledge and recognize that under President Bush's leadership we have invested unprecedented amounts of Federal funding to improve the education of our children. We should never forget that fact. In fact, President Bush's budgets are 60 percent higher for education funding than the budgets presented under President Clinton. Nevertheless, there are a couple of areas where I think we can do even better and make a real difference.

AMENDMENT NO. 1566

For this reason, I have been very pleased to join my colleague from Massachusetts in offering an amendment to the bill to provide additional funding for higher education.

Our system of higher education is in many ways the envy of the world, but its benefits today have not been distributed equally to all Americans. As tuition rises, the road to higher education in America gets steeper and harder to climb for low- and middle-income families.

In 1979, a student in the top quartile of family income was four times more likely to obtain a baccalaureate degree by age 24 than a student from the bottom quartile. That discrepancy has grown by an additional 70 percent by graduation day for the class of 2001.

Tuition fees at 4-year public colleges have increased by 40 percent over the past decade. Everyone is familiar with the pressures State budgets are under, and that, too, has caused more pressure on the tuition at public universities and colleges.

At the same time, the value of Pell grants has declined by nearly half over the last 20 years. Today, Pell grants cover only 40 percent of the average fixed costs at 4-year public colleges whereas 20 years ago the Pell grant covered more than 80 percent of public college expenses.

From my experience in working at a Maine college before my election to the Senate, I know how critical Pell grants and other forms of Federal financial aid are in opening the doors of educational opportunity to many students. In fact, at Husson College where I worked, 85 percent of the students were reliant on Pell grants and student loans to finance their college education. Without that assistance, they simply would not be able to afford higher education.

I found more and more of our students are graduating with a mound of debt because of that change in ratio. It used to be that Pell grants and other forms of assistance covered most of the costs of a college education. Now, they cover far less and thus our students are forced to take out more and more and greater and greater amounts of loans to finance their education.

I am not saying education should be paid for the students, but we need to strike the right balance or else the doors of higher education and, thus, economic opportunity will be slammed shut for far too many low-income families.

Therefore, our amendment provides \$2.2 billion to help fund crucial higher education programs including Pell grants, the SEOG, Work-Study, Perkins loans, the LEAP program, GEAR UP, and last but not least, the TRIO programs. The Kennedy-Collins amendment would provide desperately needed funding to increase the maximum Pell grant award. Our amendment provides a \$450 increase in the maximum Pell grant and increases Pell grants to ap-

proximately 4.8 million students with a median family income of only \$15,200. A Pell grant makes all the difference to these low-income families. It makes the difference between their children having economic opportunity, being able to pursue an education that is so necessary for a brighter future, that is necessary to participate in the American dream.

We can take this step, we can provide this \$450 increase in Pell grants to these low-income children. In my State of Maine, this amendment results in an increase of \$6.3 million in Pell grant aid.

I also want to talk about the importance of this amendment and the significant increases for other student-oriented programs. Again, I commend the committee and subcommittee chairmen for their hard work in bringing education spending up to unprecedented levels.

There is a program that I believe is so important to expanding opportunity for so many students. That is the TRIO Program. Our amendment provides a \$160 million increase. The TRIO programs may be better known to many of my colleagues as Upward Bound, for example. That is an example of the TRIO programs. They help first-generation college students and low-income students get on the right track and begin to think about higher education as something that should be part of their lives.

I have talked to many students in Maine whose parents did not have the advantage of higher education. They told me that prior to participating in the TRIO programs, they just did not realize that college could be part of their lives. The TRIO programs exposed them to higher education, encouraged them, counseled them, helped them afford SATs, for example. It makes a difference. It truly changes the lives of so many students who come from families with absolutely no experience in higher education.

We have proposed to increase the funding for TRIO programs as well as for the GEAR UP and LEAP program which are aimed at younger children. The sooner we get students interested in higher education, the better. These programs change lives for the better. I hope we can help keep the doors of higher education open to all qualified students no matter their financial needs.

AMENDMENT NO. 1568

I am also very pleased to be a cosponsor of an amendment offered by Senator DASCHLE and Senator CONRAD that would increase the funding for the Rural Education Achievement Program. This program I authored along with Senator CONRAD as part of the No Child Left Behind Act.

Again, I acknowledge the tremendous efforts of the chairman, Senator SPECTER, on behalf of rural schools. The administration's budget, I am sad to say, eliminated funding altogether for the

Rural Education Achievement Program. Senator SPECTER was able to restore this funding, which I deeply appreciate. It is essentially flat funded, however, and I would like to see an increase.

Our rural schools—and in Maine, that is 56 percent of the school districts in the State—need help in meeting the mandates of the No Child Left Behind Act. Children in small rural school districts deserve the same educational opportunities as their more urban counterparts.

We enacted the Rural Education Achievement Program to respond to two problems. First, smaller school districts do not have the grant writers and the other resources to compete for Federal grants the way the larger, more urban school districts do. Second, they often receive so little funding under the formula programs that it is not sufficient to accomplish the goals of those programs.

So the concept behind the Rural Education Achievement Program was to give more funding for rural schools, that they would not have to go through an elaborate grant-writing process, and to give them the flexibility of combining funding streams so they could have the funds available that would make a difference.

Let me give a couple of examples. In Jackman, ME, for example, a small community in western Maine, last year the school district received \$16,000 in REAP funding in the Rural Education Achievement Program. The superintendent plans to use that money to support technology in the classroom and teacher training. There are other examples. In the Bradley School District in Penobscot County, ME, with 104 students, they received \$21,000 through the Rural Education Achievement Program. The total Federal formula funding under ESEA going to this small school district will be about \$25,000 this year. That is enough to allow Bradley the flexibility to hire a part-time reading specialist to meet the mandates of No Child Left Behind, to update computer systems, or provide some extended-day learning opportunities.

With the increased challenges of No Child Left Behind, our Nation's rural school districts need the additional financial resources and the flexibility provided by the rural education program now more than ever.

I hope my colleagues will join me in supporting this amendment as well.

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

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I think the managers, if I can get Senator HAR-

KIN's attention, are prepared to go to third reading. That notion is gaining support on the floor.

Mr. HARKIN. What a jester you are. I wouldn't mind it.

Mr. SPECTER. Senator HARKIN says he wouldn't mind. It is not a formal commitment. This may replace late-night television, Mr. President.

Mr. HARKIN. Does that mean you will accept all our amendments and just go to third reading?

Mr. SPECTER. Does that mean we will accept all your amendments? Let's hear some amendments so I will know if I can accept them or not. You cannot accept a pig in a poke, as the expression goes. I think that is an Iowa expression. It comes from Waterloo, IA.

Senator HARKIN and I are prepared to go to third reading if we don't have amendments down here by 4:15.

Mr. HARKIN. Waterloo, MO.

Mr. SPECTER. In a very serious vein, there is a long list of amendments and there is talk about Senators wanting to go home on Friday. That may or may not be possible, depending upon what the status of this bill is. But in the light of these assertions, I yield to my distinguished colleague from Iowa to concur.

Mr. HARKIN. I would like to ask my good friend, the chairman of the committee, does he know from the leadership on his side whether we will be having votes tomorrow? If we are, that is fine. We will get some votes packed in tomorrow, on some amendments tomorrow. I don't know. No one has advised me.

Mr. SPECTER. We cannot have votes tomorrow unless we have amendments. I think that is definitive. So the alternative to that is go to third reading and then we do have a vote.

Mr. HARKIN. I understand there are some amendments coming down this afternoon. There are some amendments pending right now.

Mr. SPECTER. There is no amendment being offered on the floor. There is no amendment we can put our hands around. The only thing we could put our hands around would be third reading. We could do that.

Mr. HARKIN. We have a vote at 5 o'clock, I understand. Was that already ordered? Oh, not yet.

There is the rural education amendment.

Mr. SPECTER. We have that, that we can vote on, and we can vote on the Dodd amendment? We can't vote on the Dodd amendment either? We can't vote on the Dodd amendment until the Senate is in session, and the Senate is not in session until the Democratic Presidents come back.

Mr. HARKIN. I understand we can have votes tomorrow on certain amendments. The Senator has an amendment which I am supporting on NIH. Is that going to be offered here this afternoon? We could vote on that. We have amendments on both sides. I am supporting that amendment, as my friend knows. Why can't we vote on that?

Mr. SPECTER. Mr. President, again, let me make a plea to our colleagues to come to the floor and offer the amendments. There are quite a few on the Republican side who have listed amendments, as well as Democrats.

Mr. HARKIN. I understand we want some people back for that, too, on NIH.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, this has been cleared on both sides. In the presence of the ranking member of the subcommittee and the assistant Democratic leader, I ask unanimous consent that the vote in relation to the Daschle amendment No. 1568 occur at 5:10 today; further, that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Is there a quorum call in effect?

The PRESIDING OFFICER. There is not.

Mr. REID. Mr. President, I would ask the distinguished Senator from Pennsylvania—and this is certainly not his fault—but we received a call. We need to change the time of the vote to 5:40, and with 10 minutes of debate prior to a 5:40 vote; 5 minutes for Senator DASCHLE and 5 minutes for those opposing the rural education amendment.

Mr. SPECTER. Well, if that is the best we can do, so stated.

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, I have been asked, on behalf of the leader, to have that vote followed by a judge vote. So as in executive session, I ask unanimous consent that following the scheduled vote at 5:40 under the previous unanimous consent agreement, the Senate proceed to executive session to the consideration of calendar No. 349; further, that there be 2 minutes equally divided in the usual form for debate, and that the Senate then vote on the confirmation of the nomination, with no intervening action or debate. Finally, I ask consent that following the vote the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I am wondering if the Senator will withhold. We may be able to have the judge's vote

first and then go to the Daschle amendment at 5:30. If the Senator would withhold just for a minute, we could check that out. It might be more convenient for everybody to have the vote earlier rather than later.

Mr. SPECTER. Mr. President, that would be agreeable.

Mr. REID. If we could, then, Mr. President, I ask the distinguished Senator from Pennsylvania—and I do again apologize to him, but I think it would be better for everyone involved if we had the vote on the judge at 5 o'clock, followed by a vote on the Daschle amendment at 5:40, and prior to the 5:40 vote there be 10 minutes of debate equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, this is kind of like the kangaroo cops on my side. We can't have the vote before 5:30—I apologize—the first vote. I apologize. The unanimous consent request offered by the Senator from Pennsylvania, as unmodified, we accept. We would have the first vote at 5:40, followed by a vote on the judge.

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

The Senator from Iowa.

AMENDMENT NO. 1575 TO AMENDMENT NO. 1542

Mr. HARKIN. Mr. President, shortly, I am going to offer another amendment dealing with school renovation and construction on behalf of myself and Senator CLINTON from New York. This is an issue I have been involved with for over almost 12 years now. I first started talking about the need for the Federal Government to be involved in school construction and renovation back in 1991. At that time, when I was seeking my party's nomination to be the candidate for President, I had come up with sort of a blueprint for America. But one of the cornerstones was the need to invest in the infrastructure of our country. In that infrastructure, aside from water and power generation and transportation, communications, one of the elements of the proposal was for the Federal Government to provide for meaningful funds for the renovation and reconstruction of schools throughout the country. I had picked up on this after reading "Savage Inequalities" by Jonathan Kozol from which it became clear to me that Mr. Kozol had provided a great service to our country by pointing out that all over America, the poorest schools—the worst schools, I should say—the schools that are the most rundown and in the most need of repair were those located in very low-income areas.

It became obvious the reason they did is because they were in low-income areas where they had low property tax values, and they simply didn't have the wherewithal to fix up the schools. However, the schools that were in high-income areas basically were in pretty good shape. Thus he termed it "Savage Inequalities."

Based upon that, I said: We ought to embark upon an effort to get the Fed-

eral Government involved in reconstructing schools. One of the reasons I proposed that and have been proposing it for the last 12 years is that I do firmly believe in local control of schools, local control in terms of curriculum, teachers, hiring, the general sort of thrust of the schools, how they are operated. That has been one of the geniuses of the American educational system. We have had this diverse approach to education in our country.

The fact is, giving construction money to the schools in no way takes away from local control. It just provides the funds they need. I also thought at the time that we would have a matching. We would have the States then come up with funds. For example, a low-income area that has low property tax values could take, let's say, a grant, a Federal grant of money that would lower the total cost of the bond or whatever is needed to be passed to provide for new construction; thus they might not only be more willing but at least able to build new schools or to reconstruct and renovate old schools.

Nothing happened on that in the early 1990s. Obviously, I did not get my party's nomination. I tried to get the Clinton administration to provide some of this. In fact, in 1994, we did get money for school renovation and reconstruction. It was rescinded the next year. I then embarked upon an effort to test my theories in the State of Iowa.

So beginning about 1997–1998, I got some money to go to the State of Iowa for school construction and renovation. And the State department of education handled that money and put out a requirement that there had to be certain local matches to get this grant money.

Local communities, at least in my State, could match that money one of three ways: They could either pass a bond, raise money through further bonding, they could have a local option sales tax, which we have in Iowa, or they could do it with what we call a plant and equipment levy. In the State of Iowa local jurisdictions are allowed to do that.

When we first put out several millions of dollars for this to test this theory, it turned out that the leveraging was incredible. The leveraging was over almost 20 times. In other words, for every Federal dollar we put out, we got about 20 times that in local moneys coming in to help. That is because they got the grant money, and they could see they could get maybe \$100,000 or \$200,000. And if they matched that with a local option sales tax or something or a bonding, then they get it. Many of these jurisdictions that had trouble passing bonds in the past found that with this carrot approach they were able to get the bond passed because obviously they didn't have to pass as big a bond as what they had in the past. Therefore, their local property tax levies would not be that great.

So it worked very well. In fact, there are schools all over the State of Iowa

that have gotten these Federal grants now going back almost 5, 6 years. There are new classrooms; there are new schools; there are renovated buildings all over the State of Iowa that are testament to the fact that the theory I had actually does work.

So in 1991, we had \$1 billion we had put into this program nationwide. That \$1 billion was cut down to about \$800 million in conference, but we got about \$800 million out for school construction and renovation all over the United States. Every State has participated in this. Again, not all that money has been spent because it took some time to get the money out. People had to make contracts for construction, things such as that. But the reports we are getting back are that this has been something the States have found they can use and, as I said, multiply the amount of money. There is a multiplier effect to every Federal dollar that goes out.

It is estimated 14 million children in this country attend schools that are deteriorated. Just this morning, the American Society of Civil Engineers, a decidedly nonpartisan group, issued one of its periodic report cards which assess the condition of the Nation's physical infrastructure. In 2001, the ASCE awarded the Nation's schools a grade of D minus, the lowest grade for any individual category. That is bridges, water systems, sewage disposal systems, of all the infrastructure of America, schools got D minus, the lowest grade.

This morning, the American Society of Civil Engineers concluded there had been no progress in the condition of our schools. The report states: Due to aging, outdated facilities, severe overcrowding, or new class sizes, 75 percent of our Nation's school buildings remain inadequate to meet the needs of schoolchildren.

The ASCE also found that the average cost of capital investments needed to upgrade and replace our schools is \$3,800 per student. That is more than half the average cost to educate that student for 1 year. They estimate the total cost to fix our schools at more than \$127 billion nationwide.

I have said many times, it is a national disgrace that the nicest places that our children see are shopping malls, sports arenas, and movie theaters. The most rundown place they see is their public school. What kind of signal, what kind of message are we sending to our kids when the nicest things they see are shopping malls and movie theaters and sports arenas, and one of the most rundown places is the public school they attend every day?

What message does that say about the value we place on their education and their future? It is not just a matter of appearances. Numerous studies demonstrate the link between safe and healthy school buildings and student performance. That is basic common

sense. If buildings are making teachers and students sick, obviously, they will not learn as well.

The Healthy Schools Network has reported many such problems around the Nation. For example, several parents have complained that their children were getting sick at a large city school near Albany, NY. The county inspected the school and found unsafe levels of lead and mold. The school has not been able to correct the problem, citing a lack of funding for repairs, but children are still attending the school.

A child in North Carolina missed several days of school suffering from headaches and stomachaches. During the summer break, the child's illnesses abate but come back when school resumes in the fall. The child attends class in an old trailer that has a musty odor and poor ventilation and mold.

A Virginia parent said her son felt sick at school and was doing poor in social studies. An inspector found non-functioning ventilators and several water-stained ceiling tiles.

We talk a lot about leaving no child behind but children such as these are being left behind all over the country today in bad school buildings. It doesn't have to be this way.

Last year I visited Longfellow Elementary School in Council Bluffs, IA. Longfellow school was built in 1939, the year I was born. Now you know how old I am. That was the year the school was built.

Basically, in the 2001–2002 school year, Longfellow recorded 4,893 student absences. The next year, after all the modifications and changes and everything, absences dropped by more than a half, to 2,357—cut in half in 1 year. Why? Well, that school received this Federal grant to make improvements to the school. Before this, they had an old boiler in the basement, an old water heating system. It was always leaking and it was many years old. There was mold all over the basement and mold on the ceilings. Kids were getting sick, plus there was poor ventilation. When you have these hot radiators in the middle of the winter, if you have a mild day, they are still hot. They just had all these problems, so they put in a new geothermal heating and cooling system. They put in better plumbing. They put in new window glazing with double-paned windows. They cleaned up everything. The mold and mildew has disappeared. The indoor air quality has risen dramatically. The building is not just a nicer place; it is a healthier place. In 1 year, they cut absences in half just by putting in this new system.

Another bonus came with the school's utility bill. As I said, they put in a new geothermal system. I looked at all the wells they drilled for this new system. Last winter the custodian at the school told me that when they first fired up this system on one of the coldest days of the year, the gas company called him to report what they thought was a broken meter in their

school because they weren't using very much gas. The meter wasn't broken; it was just that the new system was so efficient. So this school district is now going to save money every single year because it won't be paying the high utility bills.

Here is a story of another school from a recent report by the Rural School and Community Trust, titled "Save a Penny, Lose a School: The Real Cost of Deferred Maintenance."

This report cited a 1998 incident in which the failure of a \$12 gasket caused the flooding of a 6-year-old gymnasium, as well as the main building of the school. The problem might have been prevented by some routine maintenance. Instead, classes were canceled for 2 days and the gymnasium closed for 5 weeks. The total bill was nearly \$200,000—\$26,000 for emergency response and \$160,000 for repairs.

Now, compare that with what happened in Waterloo, IA, where the school district in 1999 received another one of these Federal grants to upgrade their fire alarm system at West High School. A few months after they had put this new system in, an incident at the school one evening caused the water pipes to burst. But the upgraded alarm alerted authorities of the problem and an immediate response was taken to contain the damage. Without this early warning, the problem would not have been discovered until the next morning. Not a single day of instruction was lost. In addition, the new alarm saved the district money. The district officials estimated if the water had not been contained immediately, large areas of the school would have been flooded and over \$400,000 in damages sustained.

I wish more schools could see results such as these. Unfortunately, the Federal Government is doing virtually nothing to help school districts address this critical problem.

As I said, in fiscal 2001, we provided \$800 million for school repair. This program was extremely well received all over the country.

Unfortunately, President Bush zeroed out the program in his fiscal year 2002 budget, and we never have been able to restore it. That is why Senator CLINTON and I are introducing an amendment today to provide \$1 billion, as we did in 2001, for a national school repair program. Grants would be made to school districts to make urgent repairs to fix a leaky roof, replace faulty wiring, or make repairs to bring schools up to local safety and fire codes. Funds could also be used to expand existing structures to alleviate overcrowding or make the school more accessible to students with disabilities.

Under this program, my own State would receive about \$5.2 million, enough to create 125 jobs. Now, the amendment was fully offset and achieves this by rescinding the fiscal year 2004 advance appropriations and reappropriating those moneys in 2003. This is the exact same mechanism that

the committee used in adding \$2.2 billion to the base bill. The Harkin-Clinton amendment builds upon this and adds a billion dollars more for school renovation.

Let me also add a couple of other items I wanted to mention. I mentioned Longfellow school that was built in 1939 and the problems the kids were having and how sick they were getting with the mold and mildew and old heating system, and how absences were cut in half after they got the new system in and how the utility bills are lower. There is one other thing about that school I found. When I went into the school, I noted that it had been built in 1939 because it says so on the cornerstone. The principal of the school showed me the actual bill for the new school—how much it cost and everything.

The interesting thing was, guess who built the school. It was called the WPA, the Work Project Administration, instituted under President Franklin Roosevelt, supported by Congress. So it was a Federal Government project. They built that school in 1939.

Imagine that. It is still being operated today, with these modifications made with the new Federal grant. So this idea that somehow it is unheard of for the Federal Government to provide construction money or renovation money to local public schools is not so. It may have been unheard of in the recent past, in the last few years; but back in the 1930s and 1940s, we put a lot of Federal dollars into building new schools around the United States. So we have precedents for this. Many of the schools that are still being operated today were built by the WPA in the 1930s and early 1940s.

Secondly, this grant money that goes out to the schools, as I said, is money that would be used to reconstruct, renovate, make sure it is healthier and safer, and the results we have had back not only from Iowa but from around the country that this is not only needed but the amount of multiplier effect we get from this is much more than 10 to 1 nationally. In fact, it is approaching, if I am not mistaken, probably closer to 15 to 1 nationally for every dollar we put out.

Mr. President, I am proud to support this amendment with my colleague from New York. I will refrain from offering it until the Senator can be on the floor. I know Senator CLINTON is tied up, and I know she wants to speak on this amendment.

I will go ahead and send the amendment to the desk on behalf of myself, Senator CLINTON, Senator CORZINE, Senator KERRY, Senator BINGAMAN, and Senator MURRAY.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mrs. CLINTON, Mr. CORZINE, Mr.

KERRY, Mr. BINGAMAN, Mrs. MURRAY, and Ms. STABENOW, proposes an amendment numbered 1575 to amendment No. 1542.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for the Fund for the Improvement of Education)

On page 76, between lines 10 and 11, insert the following:

SEC. _____. (a) ADDITIONAL FUNDS.—

(1) IN GENERAL.—In addition to any amounts otherwise appropriated under this Act for the Fund for the Improvement of Education under part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.), there are appropriated an additional \$1,000,000,000 for such fund that shall be used by the Secretary of Education to award formula grants to State educational agencies to enable such State educational agencies—

(A) to expand existing structures to alleviate overcrowding in public schools;

(B) to make renovations or modifications to existing structures necessary to support alignment of curriculum with State standards in mathematics, reading or language arts, or science in public schools served by such agencies;

(C) to make emergency repairs or renovations necessary to ensure the safety of students and staff and to bring public schools into compliance with fire and safety codes;

(D) to make modifications necessary to render public schools in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(E) to abate or remove asbestos, lead, mold, and other environmental factors in public schools that are associated with poor cognitive outcomes in children; and

(F) to renovate, repair, and acquire needs related to infrastructure of charter schools.

(2) AMOUNT OF GRANTS.—The Secretary shall allocate amounts available for grants under this subsection to States in proportion to the funds received by the States, respectively, for the previous fiscal year under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, \$352,000,000 shall not be available for obligation until September 30, 2004: *Provided*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,895,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$5,783,301,000.

Mr. HARKIN. Mr. President, I see my colleague from Michigan on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to add my name as a cosponsor to the Harkin-Clinton amendment.

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

Ms. STABENOW. Mr. President, I commend my colleague from Iowa for his stalwart commitment year after year and month after month as it relates to education. I thank Senator HARKIN for his leadership particularly on this issue, as well as special education, as well as other critical needs for our children and our communities.

I rise today to lend my support—and it is a pleasure being a cosponsor—to the Harkin-Clinton amendment and to indicate my support for and cosponsorship of the Dodd-Jeffords amendment supporting special education which is long overdue. If we can do one thing to help our schools increase operating dollars, it would be to keep a commitment that was made over 25 years ago for 40 percent of the cost of special education to be borne by the Federal Government. That has never actually happened. If we were to do that, in 1 year alone, it would be close to \$500 million additional resources coming in for Michigan children, not only to help special education but to help general education students as well. This is critical, as is the Harkin amendment.

I also wish to speak as a cosponsor to an additional amendment, the Kennedy-Collins amendment, to increase Pell grants.

First, as in anything else we do in this Senate or in the Congress, this is an issue of priorities. It is an issue always of values. I am a member of the Budget Committee, and this week we heard a midterm review of where we are in terms of the budget, with huge looming budget deficits. In fact, we are paying this year \$322 billion in interest. That does not fix one school. It does not send one more young person to college. It does not fix a road. It does not help pay for Medicare prescription drugs. It is \$322 billion in interest which, by the way, is almost as much as the entire—if you take away defense—nondefense discretionary budget of our country. It is amazing, astounding, that the interest on the publicly held debt now almost equals the entire spending on health, education, the environment, law enforcement, and most of the homeland security efforts.

Why do I mention that in the context of these amendments? Because it is an issue of values and priorities, and in the Budget Committee—and we hear over and over from esteemed witnesses, from the Chairman of the Federal Reserve to the head of the CBO, from whom we heard this week—we hear over and over talk about what drives the economy. It is increased productivity, which is education and innovation. It is being able to have more technology, more people who have the skills, the brain power, and the training to create that innovation in technology. It means more opportunity for children to receive a quality education and for people to be able to afford higher education. That is how we get to increased productivity which drives the economy.

Instead of the policies that have been used in this administration of focusing on supply-side economics—in other words, you give to a few at the top; you give tax breaks to a few at the top; you focus only on the needs of a few at the top of our income levels in our country, which, by the way, is a policy that has now created the largest single-year

deficit in the history of the country and an interest payment of \$322 billion this year. Instead of that, if we were to focus and invest very small amounts of money, relatively speaking, in educating our children in safe, quality schools where they do not have buckets in the corner to catch the water, that have the latest technology at each and every desk, if we make sure the funds that have been committed through special education, through Leave No Child Behind, through the commitments of the Government that are actually kept, small amounts of money, comparatively speaking, with huge results in increasing opportunities for everyone, increasing productivity, increasing jobs, lowering the Federal deficit—all of these things happen by focusing on opportunity and education and innovation, and that is what these important amendments do.

Think of the comparison now: \$322 billion paid in interest on the debt this year versus \$1 billion for more school construction so that children not only hear us say education is important, but they see it when they walk into a quality school building with technology, with the infrastructure they need, or special education.

I am pleased to be a cosponsor of the amendment Senators KENNEDY and COLLINS offered, to give more opportunities for young people to go to college and to receive something called a Pell grant. Right now there are 145,151 students in Michigan who have the opportunity to receive some assistance to get a higher education, to go to college. It is an investment not only in the students but it is an investment in us, in our country, in our future.

Under the amendment proposed by Senator KENNEDY and Senator COLLINS, in Michigan another 5,371 students would be able to afford to go to college—5,371 new opportunities for people to receive Pell grant assistance, and we would increase the average amount from \$4,050 to \$4,500 just to keep pace with the rising cost of higher education. We raise the amount a little less than \$500 per grant per student, and we give more people an opportunity to go to college.

What would that do and what would that cost? That would cost \$2.2 billion. I would say that is a very small investment for a very huge impact in terms of opportunity, growth, and productivity in the economy and strengthening our country.

Let me make one other comparison because right now, again, focusing on values and priorities, as we look at putting together this budget, we know that, in fact, \$1 billion a week is being spent in Iraq to rebuild their infrastructure, to help them have health care, to help rebuild their schools.

While I certainly hope and pray that we will be successful in helping to rebuild Iraq and creating the climate for a Democratic process and an economy that can work in Iraq, should we do less at home? If we can spend a billion

dollars a week in Iraq, and we are asking for a little over \$2 billion for a year to increase the opportunity for Americans to be able to get higher skills, to get higher paid jobs, to increase that productivity we are hearing about from the experts that drives the economy and hopefully helps to lower this debt, is that not a small investment to make?

Two weeks in Iraq would address the funding needs in this amendment for students to be able to have Pell grant opportunities to be able to go to college.

One week in Iraq would fund the Harkin-Clinton amendment on school construction that is so critical. We can go right on down the line. We are talking about small investments, relatively speaking, for major impacts on real people. In the end it is, in fact, education and innovation that increases productivity and drives this economy and creates jobs that all of us want to make sure are there for ourselves and our families.

So I urge my colleagues to support these amendments, to advocate with us for a set of priorities to say to the American people we want to put opportunities for you and your children first; that we understand that creating opportunities for everyone to be successful through opportunities to go to college, through quality schools, through full funding of special education that guarantees the full range of opportunities to every child in our school, those things are an important part of making sure that everybody has a chance for the American dream.

We fight for that abroad. We need to make sure it is available at home, for every single young person who works hard, goes to school, plays by the rules, and wants to make it. They deserve a chance. We need them to succeed in order to be successful as a country.

I urge my colleagues to look at these amendments as important investments in the future for all of us.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New York.

Mrs. CLINTON. Mr. President, I want to echo and support the eloquent comments of my colleague from Michigan about the values and priorities of our Nation at this point in our history. I particularly wish to reinforce her strong statement of support for the Kennedy-Collins amendment concerning higher education and its affordability. This amendment that will increase access to higher education would invest \$2.2 billion in Pell grants and other critical programs.

I think all of us know that investing in higher education pays off, but we also know we have put our students into a difficult dilemma. They understand the importance of going to college. That is why in the last week they have packed up; they have moved to campuses; they have enrolled in courses; they are prepared to do their part to acquire the skills and credentials they need to make a contribution

to our country. Yet at the very time they are doing their part, accepting their responsibility, the costs of higher education are dramatically increasing.

States are reducing their support, increasing tuition, and other related costs. As a result, many qualified students from middle-income and low-income families, sometimes the first in their families to even dream of going to college, the first to apply, the first to believe they could put together the financial resources to attend and graduate from college, are coming up against the reality of not being able to fund their education. We know that on average each year a postsecondary education increases earnings by 6 to 12 percent.

Research also points out what many of us know from personal experience; that postsecondary education leads low-income citizens to become more self-sufficient, to lead productive lives. Clearly, this is a time when we cannot ignore the importance of preparing our workforce, making it as productive as possible, and providing programs such as GEAR UP and TRIO which have helped change the expectations and raise the vision of many children from families for whom college was not a reality.

I recently heard from Melissa Santos, a tenth grade GEAR UP student at Hempstead High School in my State of New York. She wrote to tell me something that sometimes young people do not realize until it is too late.

She writes: Life can take you many places. It all depends on the choices you make. I feel that life could be good, but it all depends on how you live it. For instance, if you decide to go to college and get your education, you will most likely live a good life. GEAR UP has a lot of benefits like helping students get into college, which is essential to making it in today's world. My philosophy is that education can break many boundaries.

Well, Melissa Santos is a young woman who is wise beyond her years, but she is taking advantage of a program that is giving her the structure, the incentive, and the motivation to dream about going to college. She is preparing herself to take advantage of that.

The Kennedy-Collins amendment will increase access to college for eligible students in all States, and it will be particularly important to students in New York where tuition at the State University of New York at our various campuses jumped by 28 percent. Students attending the city University of New York are now faced with a 25-percent tuition increase. Last year, 404,181 students received Pell grants in New York. This amendment will expand grant aid to additional students, but it will also make sure the grant amount is sufficient to keep students in school.

So I am hopeful, along with my friend and colleague from Michigan, that we will do something to invest in our own students, make it possible for

these bright young men and women from all corners of our country to have an educational opportunity, not feel that they have to postpone it or drop out because of financial pressures.

AMENDMENT NO. 1575

Similarly, I join with my colleague, Senator HARKIN from Iowa, in working to amend the appropriations to provide critical relief to schools that are overcrowded and worn down and, as a side benefit, create much needed jobs in the economy. The Harkin-Clinton amendment would provide \$1 billion to help needy schools make those critical repairs and renovations and relieve overcrowding.

For New York alone, this amendment would mean more than \$100 million which, believe me, is money that is sorely needed. It is particularly needed because of the requirements of No Child Left Behind.

We promised that we would put a qualified teacher in every classroom. We led teachers, parents, and students to believe that a qualified teacher would be able to teach because the number of students sitting before him or her would be low enough that you could actually do the hard work of helping these students meet the new accountability standards.

Unfortunately, because of the deterioration in our public school stock, because at least one-third of our schools need extensive repair, we know that we have all kinds of learning and educational problems that we could help alleviate.

It is impossible for most of our communities to even think about raising property taxes to fix these schools.

On the other hand, because of the State, county, city, and school district budget crunches, we have schools that were contracted for and built a few years ago and we cannot even fill the classrooms with teachers because they do not have the money. We are creating a recipe for failure.

For many who voted for No Child Left Behind, we did so with the understanding there would be the resources, that the Government would do its part so our students, teachers, and parents would do their part. The net result would be better outcomes on learning measurements for our kids.

This amendment, the Harkin-Clinton amendment, is sponsored by a number of our colleagues. Senator BOB GRAHAM asked to be added as a cosponsor. I appreciate the support it has received. Clearly, we have to do more than just introduce amendments and talk about them. We need action.

We estimate 14 million American children are attending these deteriorating schools. Think if it were your child, your grandchild, your niece, or your nephew. Think what that would mean to you and what kind of confidence you would be able to instill in the future of that young boy or girl.

According to the General Accounting Office, one-fifth of all children attend

schools with unhealthy air quality. I know a little bit about this now because of our work in lower Manhattan after 9/11. It is absolutely clear that air quality is associated with absenteeism. In fact, American children miss 10 million schooldays a year because of asthma exacerbated by indoor air quality. Poor indoor air quality has a disproportionate impact on racial minorities and students from low-income families. Black and Hispanic students have a much higher likelihood of living in neighborhoods with toxic waste facilities. Eighty percent of Hispanic children live in neighborhoods where quality does not meet EPA standards. According to the GAO, schools with at least 40 percent of students eligible to receive free or reduced-price lunch are more likely to have unsatisfactory air quality.

We are putting our children who need help and encouragement the most into the environments that are least likely to produce the kind of positive results we all hoped for from the unprecedented Federal mandate under No Child Left Behind.

These Federal requirements which we have imposed on our school districts are really a two-edged sword. On the one hand, we hope these requirements will inspire school districts to do things that maybe they should have done on their own but have not in the past; on the other hand, they may set up impossible barriers to any school district being able to achieve what is expected because we have not funded the resources that were called for in the authorization of No Child Left Behind.

I know many of my colleagues argue there is no Federal role for building and repairing schools. The reality is that we made an explicit Federal priority to close the achievement gap, to say my daughter and the sons and daughters and grandchildren of my colleagues would not have an unfair advantage by dint of birth and genetics and environment; they would be given all the opportunities we could give as their parents and grandparents, but we would do more to help those children who, through no fault of their own, might not have been provided all of the benefits we take for granted.

When we think about how we are going to achieve the standards put forth in No Child Left Behind and what our dearest hopes and dreams are for all children, I don't think we can ignore the compelling body of evidence that unhealthy school buildings are a detriment to performance.

If our goal is to leave no child behind, we must first start by leaving no school behind. The Harkin-Clinton amendment would help States and schools comply with the requirements of No Child Left Behind. I hope we will look seriously at this amendment that gives us the opportunity to put our money where our mouths have been about higher education standards.

We were ahead of the curve in New York. The New York regents already

established standards for science, but many of our districts did not have the financial wherewithal to make sure their facilities were adequate. New York City lacks science labs in its junior high schools and has insufficient funds to construct them. We are still recovering from 9/11. We still have higher than 8 percent unemployment. Is it fair to say to the million children in the New York school district: You are not meeting the standards because we have not given you the basic equipment to be able to do that? I don't think so.

The city also lacks the funding to build or modernize science labs and high schools. Chancellor Joel Klein wrote in a letter to me in support of this amendment:

[W]ithout the necessary resources to meet our acute needs in this area, our students are in danger of falling short of meeting these requirements.

The Harkin-Clinton amendment will also help alleviate overcrowding. Today, school enrollments are at their highest level in history, even more than the baby boomers. We filled up the classrooms, but the children of the baby boomers are even in greater numbers. A record 47.7 million children are enrolled in elementary and secondary schools today. The number will climb to 53.7 million by 2008. Between 1990 and 2000, school enrollments increased by 14 percent.

Anyone who has driven by a school recently often sees trailers parked on the grounds because that is the only way the children can be accommodated. The temporary facilities sometimes last years because there are not sufficient resources to do what needs to be done in terms of facilities.

We have a very big overcrowding problem in New York City. We have 30,000 more children than we have seats. We know we have to figure out what to do for those children, especially with the new standards and the testing requirements. But it is very hard to figure out how we are going to build the classrooms we need to seat those 30,000 children without some help.

Where does the help, such as it is, come from? We know it comes from local tax bases, local taxpayers, and we know that in the last several years, according to a survey conducted by the National League of Cities, virtually every State that provides aid to local communities is cutting back on that aid because of the current fiscal problems. Local taxpayers cannot be expected to bear the brunt of every education cut occurring at the local level. There is no way it can be done.

What administrators do is postpone costs, postpone repairs, postpone renovations, and even routine maintenance. Deferring the costs does not make them go away. Oftentimes it just leads to increased costs because something fails and then there is a bigger problem that is more expensive. There were \$12 gaskets that failed at a school in New York costing \$186,000 and forc-

ing a gym to be closed for 5 weeks. Those are the things that happen as a matter of course through the country.

There are many educationally compelling reasons to vote for this Harkin-Clinton amendment. There are many benefits that would flow to our children, our teachers, to the enterprise we have committed ourselves to as a nation to improve educational outcomes among all children, leaving no child behind.

But there is another benefit, an ancillary benefit, and that is this would create jobs. We are in the worst, heightening slump since the Great Depression. More than 3.2 million private sector jobs have been lost since February of 2001; 1.4 million people have fallen back into poverty in the last 2 years. We have an unemployment problem. It is not going away. Some people say the economy is recovering, but even the most optimistic call it a jobless recovery. We know many people have even given up looking for work.

This is a way to stimulate the economy. I don't think it is the primary reason. The primary reasons are the reasons to which I have alluded. It would not hurt to put some people to work. Spending \$1 billion on school construction would generate 23,765 jobs. In New York alone, it is estimated it would put 2,434 people back to work.

So this commonsense amendment, the Harkin-Clinton amendment, is really central to our achieving the purposes we claim to be supporting. I hope my colleagues will recognize the merit in this amendment and support it because I believe it has a tremendous amount of positive impact across the board. I further believe it would be affordable and, in comparison to the other challenges we are facing in Iraq and elsewhere, it would be a demonstration of real commitment to our goals.

I hope on the Kennedy-Collins amendment concerning Pell grants and other related support for higher education, and on the Harkin-Clinton amendment with respect to school construction, modernization, repair, and renovation, that this body will cast a vote that really puts our children first—not just in rhetoric but in resources.

Mr. DODD. Will the distinguished Senator yield?

Mrs. CLINTON. Certainly.

Mr. DODD. I wish to ask the distinguished Senator from New York; she has raised a tremendously important amendment here. I don't recall the numbers exactly. Maybe my colleague from New York does. What I have been told over the years is, back towards the turn of the 20th century, we were in this country building a new high school every week in order to provide for the challenges of the 20th century. We understood that creating places that were conducive to learning was critically important to take advantage of the technologies that were emerging at

that time. Obviously, we are now in a new century, but the technologies and ability to provide students with access to education are unprecedented historically.

I wonder, from a historical standpoint, if the Senator might share her own thoughts on what has been the history of our Nation regarding the commitment to education, going back to the Northwest Ordinance, the GI bill even before the end of World War II. At times of great national crises, Congress and Presidents always found time, in the midst of other issues, to commit themselves to education. I wonder if she might share some comments and thoughts on that point.

Mrs. CLINTON. The Senator is absolutely correct. If one looks throughout our history, one sees the commitment to education is a constant. In the midst of the Civil War—hardly a moment one would think where any attention would be focused on any matter other than winning the war—President Lincoln forged ahead on land grant colleges because he understood that the war itself was not the only goal he had to keep in mind. He had to be constantly focused on what kind of country he was trying to save, what sort of union we would have. He understood that a citizenry committed to education, just as Thomas Jefferson understood and his successors after President Lincoln understood, was the kind of country he wanted to help create and make sure continued.

If we go into the 20th century, at the turn of the 19th to the 20th century when we had so many immigrants coming to our shores, looking for hope and work and opportunity, we invested in schools. In fact, New York State still has some of those schools. I have been in schools built in 1894 and 1910. I have been to schools that are so old, they can't figure out how to get through that thick brick exterior to wire the schools.

But all the way through the period, whether it was the Progressive period under President Roosevelt, the World War I era under President Wilson, and on to President Roosevelt and others, going forward, investing in schools was always key.

I would make identity with my good friend from Connecticut that certainly, given our, sort of, age at this time in our lives, we know the generation of our parents invested in education. The veterans who went off and saved freedom in World War II came home and made it clear they wanted to build schools for the children they wanted to see grow up in peace. I know the father of the Senator from Connecticut was a great champion of that.

I find it hard to understand how, here we are, a generation later, turning our back on the kind of facilities that are needed to demonstrate the public commitment we should be making to our children.

I thank the Senator from Connecticut for a very timely and historically important inquiry.

Mr. DODD. Mr. President, I thank our colleague for her observations. She is absolutely correct about Senator Morrill from Vermont, for whom it was named. The University of Connecticut is a land grant college established as a result of those efforts. Our colleague from New York is absolutely correct in pointing out, even prior—she mentioned during the Civil War—our predecessor body, in the midst of that conflict, found the resources to commit ourselves to higher education.

At the end of World War II, in the earliest days of 1945, the GI bill was adopted. There were a few weeks to go, months to go, but nonetheless that act was debated and discussed. It was debated because it was a lot of money in its day, to say to GIs coming back, we want to provide you with an educational opportunity.

You hear it over and over and over again, Mr. President, when you hear from our veterans, those who never, ever could have dreamed of getting a higher education but for the GI bill. Yet in the midst of the greatest conflict of the 20th century, the Congress of the United States and an American President said: We are going to be prepared for the tremendous opportunities that will come after this conflict. We have benefitted a thousandfold, a millionfold for every dollar we spent, I believe. I think my colleagues would admit that for every dollar we spent, in 1945, investing, in the GI bill, the returns to this country and the world have been phenomenal.

So I am deeply grateful to my colleague from New York for her recollection of history and the importance this issue has been given throughout our Nation's seamless history, more than 200 years, of providing for the educational needs of our people. I thank her immensely for this amendment which she has offered to us. I join her in hoping our colleagues will support it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objective of school construction is a very laudable one. I have supported Federal intervention and assistance on school construction. This was a cause championed by former Senator Carol Moseley-Braun.

The grave difficulty with the amendment is that there is no money in the budget resolution to pay for it. In the budget resolution which was voted on in the 105th Congress, there was a resolution relating to public school construction. It was supported by only three Republicans at that time—Senator CAMPBELL, Senator D'Amato, and myself. Regrettably, the resolution did not pass. But at that time I recorded my support for the principle of construction which would be assisted in the Federal budget.

A similar matter arose on April 1, 1998, when the issue in the budget resolution was building schools. On that occasion, Senator D'Amato and I sup-

ported the resolution, which regrettably was tabled on a vote of 54 to 46.

So the issue with which we are confronted now, in a very practical sense, much as we want to support education—and this bill has \$53.5 billion in education funding—it is at an all-time high. On other amendments, we have analysed the increases which have occurred during the budget requests by President Bush, who has asked the Congress to increase the Education budget from \$40 billion to \$53 billion, on the three budget requests which he has made, an increase of 33 percent, which compares very favorably with the budget requests made by President Bush's predecessor, President Clinton.

On the statistics I had outlined before, in one 3-year period President Clinton had asked for increases over 26 percent and in another 3-year period had asked for budget increases of 33 percent, moving from \$30 billion to \$40 billion.

The issue is not really with the broad brush the Senator from Connecticut talks about, the good old days when we supported education, notwithstanding a war being fought, the Civil War. On the issue of education, there has been very considerable funding. Not as much, frankly, as I would like. And I have tried hard to get a larger allocation for education, a larger allocation for health and human services, and a larger allocation for workers' safety. Those are the competing items in the appropriations bill which this subcommittee has brought forward.

Our colleague, Senator HARKIN, has come to the floor. He and I have worked on a cooperative basis on this and on a bipartisan basis. I should add that Senator HARKIN has been a champion for school construction. I mentioned Senator Carol Moseley-Braun was a champion as well as Senator HARKIN in reference to a couple of votes in which I joined.

Mr. President, we need 10 minutes of debate starting at 5:30, I believe.

The PRESIDING OFFICER. That is correct. Under the previous order, at 5:30 there will 10 minutes of debate on the Daschle amendment.

Mr. SPECTER. Mr. President, in the absence of Senator DASCHLE, I ask unanimous consent that we may proceed for up to 4 minutes, or until Senator DASCHLE arrives, whichever occurs first.

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

Mrs. CLINTON. Mr. President, will the Senator from Pennsylvania yield for a question?

Mr. SPECTER. I would.

Mrs. CLINTON. Mr. President, the Senator from Pennsylvania is correct in his statement of his own record and the record with respect to increasing the Federal commitment to education. The Senator from Pennsylvania knows very well because of the complex State he represents the importance of supporting education and also supporting construction for the kind of old school

stock we have in cities in New York and Pennsylvania.

But would the Senator agree that with the No Child Left Behind Act the consequences for students and school districts under federally mandated accountability standards are considerably greater than they have ever been at any point in our history where for the first time the Federal Government has assumed a leadership role and accountability role with respect to public education?

Mr. SPECTER. Mr. President, in response to the question from the Senator from New York, I believe it is true that the Federal Government has assumed a greater responsibility; that the No Child Left Behind Act has targeted program standards and very specific efforts to improve the quality of education in the United States. But I do not believe the Federal Government has taken over the financing responsibilities. I took a look at the statistics as to where we stand now. The Federal Government still only contributes 8.4 percent of the total education budget. We don't have time to go into all of the statistics on construction, but construction is still left largely to the States. Here we have a targeted effort with the President spearheading the way and identifying a goal and using the power of his bully pulpit to focus attention. But I do not believe it has a corollary obligation to provide all the money to do all the things to be sure no child is left behind, much as I would like that. I didn't like voting against the Daschle amendment for rural schools. I come from a rural area originally myself—a small town in Kansas. I didn't like voting against the Murray amendment on workforce. I am not going to like voting against other education amendments. This is a very heavy responsibility. Maybe one day the Senator from New York will be the chairman of this subcommittee, and when she is chairman of the subcommittee and she has a budget resolution and a 302(b) allocation, she is going to have to defend it. She might not like to defend it. I don't care much for defending it. I have cast more bad votes in 2 days than I cast in the balance of the year. I should say "controversial votes"—not bad votes. There is no such thing as a bad vote, or a bad child. They are controversial votes on both sides.

But I would like to see a bigger pot. If there were a bigger pot, I would like to see it.

Senator HARKIN and I referenced two budget resolutions in 1997 and 1998 when in one year Senator CAMPBELL and Senator D'Amato and I were alone among Republicans voting for school construction, and another year when Senator D'Amato and I were alone. Senator Moseley-Braun and Senator HARKIN fought the good fight. Senator CLINTON is now here to assist in that.

But I am constrained to offer the other considerations as to what the limitations are because of the budget

resolution and because of the allocation which this subcommittee has. Much as I would like to see my partner, Senator HARKIN, get \$1 billion here, I just have to say no.

Mr. HARKIN. Mr. President, will the Senator yield for a question?

Mrs. CLINTON. Certainly.

Mr. HARKIN. I thank the Senator from New York for her remarks. I just appreciate her eloquence and her strength in supporting this proposal to rebuild and modernize our schools.

I wonder if the Senator from New York is aware of the number of jobs being created. I understand there is an estimate that this \$1 billion would create about 24,000 jobs in the entire United States.

There is an article in this morning's paper which said the President is going to come up with a new budget request for Iraq of between \$60 billion and \$70 billion—twice what we were told about two months ago.

In July, we had a briefing by Mr. Bremer, who is our counsel over there. He gets to write all these checks for money in Iraq. He said something I couldn't believe I heard, so I wrote it down. He said they were putting a lot of money into rebuilding infrastructure in Baghdad—the streets, the sewers, and rebuilding schools because they found they got more bang for the buck when they put it in that.

I can't understand why we can do that in Iraq but we can't do the same here in the United States.

The leveraging of money has been great in the past with what we have done for schools.

I might ask again if the Senator will yield for a question. I am sure the Senator is aware the offset we are using we already used before to get an additional \$2.2 billion for the bill. I am told there is about \$13 million that could be used as an offset. I am wondering why we can't use this offset to get money to help rebuild and modernize our schools.

I am sort of at a loss. I wonder if maybe the Senator might know why we can't use this money. Since we have already used some of it before in the bill, why we can't use it for this?

Mrs. CLINTON. I share my colleague's bewilderment. It does appear to me that the offsets are certainly adequate for the money we believe should go into school construction. The Senator's reference to Iraq raises an additional question. I, too, am aware of the statement by the administration, by Mr. Bremer and others that we—the American taxpayers—were committed to rebuilding schools, hospitals, health clinics, roads, and powerplants. I don't think one would argue with that. It is our responsibility. Once we make the decision to pursue military action and change the regime, we inherit those responsibilities.

But not only does it seem fair and equitable to do the same for our own citizenry—particularly our students in rural areas and in underserved urban areas which both of us represent in our

respective States—I would note a cautionary comment: that if we expect to have the broad population of this country support the long-term commitment we have taken upon ourselves, which is costing at least \$1 billion a week—and we know the President is going to come and ask for between \$60 billion and \$70 billion more to support both the military mission and the reconstruction costs of Iraq—I think if we are serious about sustaining public support for what is a costly endeavor in terms of life and, much more important than money, the soldiers we are losing, the casualties, the injuries that are being incurred, it is important we support things here in our own country.

It will be impossible to go to this Nation and say keep spending money in Iraq when you do not have jobs, when your schools are crumbling, when your bridges, your wastewater treatment centers, and your electricity grid is crumbling. Who are we kidding? How do you sustain the broad American public support for this kind of endeavor that costs us blood and fortune without doing things here at home? This is a tangible way to demonstrate we care about what happens in America as well.

AMENDMENT NO. 1568

The PRESIDING OFFICER. The hour of 5:40 having arrived, the question is now on Daschle amendment No. 1568.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and, therefore, is not in order.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, pursuant to section 504(b)(2) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, I move to waive section 504 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote yea.

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—52

Akaka	Durbin	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Biden	Grassley	Nelson (FL)
Bingaman	Hagel	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Roberts
Clinton	Johnson	Rockefeller
Coleman	Kennedy	Sarbanes
Collins	Kohl	Schumer
Conrad	Landrieu	Smith
Corzine	Lautenberg	Snowe
Daschle	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lincoln	
Dorgan	McCain	

NAYS—43

Alexander	Crapo	Lugar
Allard	DeWine	McConnell
Allen	Dole	Nickles
Bennett	Domenici	Santorum
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Fitzgerald	Specter
Burns	Frist	Stevens
Campbell	Graham (SC)	Sununu
Carper	Gregg	Talent
Chafee	Hatch	Thomas
Chambliss	Hutchison	Voivovich
Cochran	Inhofe	Warner
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—5

Edwards	Kerry	Miller
Graham (FL)	Lieberman	

The PRESIDING OFFICER (Mrs. DOLE). On this vote, the yeas are 52, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Steven Colloton, to be United States Circuit Judge. The clerk will report the nomination.

The legislative clerk read the nomination of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. There are now 2 minutes of debate evenly divided. Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, I rise today to express my unqualified support for the nomination of Steven Colloton to the Eighth Circuit Court of Appeals and to urge my colleagues to confirm this fine nominee.

Mr. Colloton has excellent academic and professional qualifications for the Federal bench. A graduate of the prestigious Yale Law School, Mr. Colloton

clerked for two distinguished judges, D.C. Circuit Judge Laurence H. Silberman and U.S. Supreme Court Justice William H. Rehnquist. Mr. Colloton then worked as an attorney with the White House's Office of Legal Counsel at the Department of Justice for a year and then, eager to return to his Midwestern roots, accepted a position as an assistant U.S. attorney in the Northern District of Iowa.

Mr. Colloton has impressive courtroom experience. He has argued 18 cases in the Federal courts of appeals, and has briefed several other cases. He has tried approximately 13 criminal cases to verdict. In addition, as an assistant U.S. attorney, Mr. Colloton was in the courtroom regularly to argue motions or evidentiary matters. He oversees an office which includes 25 attorneys.

Twenty-seven past presidents of the Iowa State Bar have written of Mr. Colloton, "[W]e submit that the exceptional quality of Mr. Colloton's experience, together with its relevance to this position, uniquely qualifies him to represent Iowa on the United States Court of Appeals."

I could not agree more. Mr. Colloton has demonstrated his capacity to excel on the Federal court bench. He possesses the qualifications, the capacity, and the temperament a judge needs to serve on the Eighth Circuit.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, today, we vote to confirm Steven Colloton to a lifetime appointment on the United States Court of Appeals for the Eighth Circuit. Mr. Colloton comes to us with bipartisan support from both his home-state Senators, for whom I have great respect. Steven Colloton currently serves as the U.S. Attorney for the Southern District of Iowa. While I continue to remain concerned that, at 40 years old, Mr. Colloton received a partial not qualified rating from the ABA, he has a good academic record and has a record of public service in the state of Iowa.

I note that Mr. Colloton is the ninth confirmed circuit court judge who is a member of the Federalist Society and the third former member of White-water prosecutor Ken Starr's office to be confirmed to a Federal judgeship. I would like to take this opportunity to express my hope that Mr. Colloton acts as a fair and impartial judge, despite his active role in conservative political causes and groups. It was very troubling that another former Starr prosecutor confirmed to the Federal bench overlooked years of precedent to rule in favor of Vice President CHENEY and against the American people's interest in open access to who was advising the administration on energy policy, a special concern in the aftermath of the blackouts in the Northeast this August.

Mr. Colloton's confirmation process stands in stark contrast to what oc-

curred with judicial nominees during the Clinton administration. His confirmation process has been expeditious and smooth. In contrast, an earlier nominee to the Eighth Circuit from Iowa, Bonnie Campbell, never even received a vote before the Judiciary Committee following the hearing on her nomination. Ms. Campbell was a former attorney general of Iowa, a former head of the Department of Justice's Office on Violence Against Women, and a nominee who also had the support of both of her home-state Senators including a senior Republican Senator. Neither the nominee nor the Judiciary Committee members were ever told why the Republican majority refused to accord her nomination a Committee vote and, when given the chance to do right by her, President Bush instead decided to withdraw her nomination.

Another contrast exemplified by Mr. Colloton's confirmation process is the pace of confirming circuit court judges. Steven Colloton will be the 28th circuit court judge confirmed since President Bush has taken office. Again, this stands in strong contrast to what occurred during President Clinton's second term in office. More than 3 years passed in President Clinton's second term before the 28th circuit court judge was confirmed. And, we have already confirmed more circuit court nominees of this President, since July of 2001, than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

Finally, I point out that with Mr. Colloton's confirmation, there will be as many active George W. Bush appointees on the bench as there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than three and already has made as much impact on the Federal courts across the country.

I congratulate Steven Colloton, his family, and the Senators from Iowa on his confirmation.

Madam President, to reiterate this will be the 28th circuit court judge confirmed since President Bush has taken office. For those who are wondering, that is more circuit court nominees confirmed than in the third year of President Reagan's first term or President George H. Bush's term or either of President Clinton's terms. We have done far better, I might say, for President George Bush than we have his three predecessors.

I will also note a contrast. Mr. Colloton's nomination moved very quickly, as contrasted to President Clinton's nominee for the same seat, Bonnie Campbell, who was never given a vote before the Judiciary Committee. Even though she had been a former attorney general of Iowa, she was the former head of the Department of Justice's Office of Violence Against Women, and she had the support of