

allow physicians and scientific experts to say how that money is spent, what diseases have the best chance of being cured, what experiments going on out there have the greatest opportunity for breakthrough. We don't try to micromanage that. In general, that is good and I support that.

There are things we as a society can speak about. We are not denying people hope. It would be terribly wrong to suggest what is going on as a policy in our Congress and in our Government is denying people hope that medical breakthroughs can occur from stem cells.

We are going to continue unprecedented Federal spending. We will continue unprecedented private spending on stem cells. We will spend Federal money on embryonic stem cells and Federal money on adult stem cells. Who knows, some of those may result in great breakthroughs that will help prolong the life and health of millions of American people and not just in America but the whole world.

This Nation, through our investment in scientific research, has lifted and improved the lives of people all over the world. It is something that we can take pride in as a people. It is something for which I am proud. I want to continue to see it developed.

As we go forward, as we continue to debate these ethical and moral matters, as we continue to see the improvements in science and learn more from science, we may adjust and be able to come up with different ideas as we go forward on stem cell research. Who knows what we will learn as time goes forward.

Based on what I understand today, I see no reason in science, I see no reason in ethics—that requires that we blindly go in and destroy life for scientific experimentation when there is no clear indication that experimentation will result in health benefits to American people.

I yield the floor, and 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### A MILITARY DRAFT

Mr. HARKIN. Mr. President, whenever I travel in Iowa, I hear moms and dads worrying out loud that if President Bush gets a second term, he intends to reinstitute the military draft. I hear the same thing from college-aged Iowans. In fact, a national poll of young people found that 55 percent expect the draft to be started up again. Of course, the joke that is going around is: President Bush insists that there will be no draft. And if anybody

knows how to avoid a draft, it is George W. Bush.

But the facts tell a different story. The facts tell us that if President Bush continues on his current course, he will have to reinstitute the draft. In fact, to meet personnel needs in Iraq, President Bush has already imposed stage one of a new draft. Many soldiers whose enlistment time is up are not being allowed to leave the service, and people who left the service years ago are being forced to put on the uniform again against their will. So we already have a backdoor draft. Let's be honest about it. President Bush has already done away with the All-Volunteer military. Stage two of the reinstated draft would be easy to implement. Draft boards are already in place in every county in America. Young men who turn age 18 are already required to register with their local draft board. It is becoming increasingly obvious that because of President Bush's new doctrine of preemptive war, our military is stretched dangerously thin. We do not have enough people in uniform to meet current needs in Iraq and Afghanistan, much less to deal with a confrontation with Iran or North Korea or some other hot spot.

Here are the hard realities that cannot be ignored. Right now, total Active Army and Marine personnel number about 655,000. That includes support units, training units, headquarters personnel, and others who do not see combat.

In a long, drawn out war such as a Vietnam or an Iraq, units sent to the front lines have to be rotated out periodically and replaced by an equal number of forces. Now, currently, we have 135,000 troops in Iraq, 20,000 in Afghanistan, 36,000 in Korea, more than 100,000 in Europe, and some various troops scattered in Japan and Okinawa and a few other places.

Our Armed Forces have been stretched and strained to the breaking point. To fill the gaps and shortages, tens of thousands of guardsmen and women reservists have been called up, some for several years at a time. But there is a cost to all of this. Morale is suffering. Enlistments and reenlistments are down. The Army National Guard fell 10-percent short of its 2004 recruiting goal. The Regular Army has had to ease up on standards in order to meet its recruitment goals.

Now, what happens if all-out civil war breaks out in Iraq and we have to increase our troop strength to 200,000 or 300,000 to quell it? What happens if a newly reelected President Bush decides it is time for a preemptive war against Iran or Syria or North Korea?

President Bush has already effectively ended the All-Volunteer military. People are hesitant to join the Guard or Reserve because the odds of being sent into combat have skyrocketed.

So how in the world would a second-term President Bush meet the personnel needs of his doctrine of preemp-

tive war? Bear in mind, President Bush has changed the standard for justifying preemptive war.

As the New York Times reported on Sunday, originally the criterion was that a rogue nation was an imminent threat to us, that it either possessed weapons of mass destruction or was actively attempting to build these weapons of mass destruction. But in response to the Duelfer report last week, which found no weapons of mass destruction stockpiles and no active program to produce these weapons in Iraq, President Bush says that does not matter. He said that a preemptive invasion is justified if an enemy is trying to avoid United Nations sanctions by "gaming the system," as the President put it.

As the New York Times concluded:

Mr. Bush appears to be saying that under his new standard a country merely has to be thinking about developing illicit weapons at some time.

Or as Joseph Nye of Harvard concludes:

The President is saying that intent is enough.

Well, given either the old or the new standard for justifying preemption, the U.S. military is going to be very busy indeed if President Bush is reelected. Our military personnel needs will grow dramatically as morale, enlistments, and reenlistments fall. That is exactly why I have taken the floor today, to state this: That I believe President Bush intends to reinstate the draft. Why can I say that? Because he has no choice. To pursue his agenda of aggressive preemption, he must reinstate the draft.

Now, if you look at history, incumbent Presidents never reveal their true intentions on matters of war and the draft. Those of us who were around in the 1960s remember President Lyndon Johnson, a President of my own party. When he was running for election in 1964, people were afraid he had a secret plan to escalate the war in Vietnam. He denied it. President Johnson repeatedly promised: I will not send American boys halfway around the world to do a job that Asian boys ought to be doing for themselves.

Well, Mr. Johnson was reelected and, sure enough, millions of American boys were drafted and sent halfway around the world to Vietnam.

So young people today have good reasons for fearing the draft. They have good reasons for not believing President Bush's reassurances that he has no intention of reinstituting the draft. After all, President Bush has quite a lengthy track record of saying one thing and doing exactly the opposite. Well, I guess there is some kind of a technical term for this. I guess it is called: Flip-flopping.

Remember, as a candidate in 2000, President Bush was for a "humble foreign policy" before he was against it. He was against nation building in foreign countries before he was for it. He was for a peaceful resolution of the

confrontation with Iraq before he was against it. He was for an All-Volunteer military before the pressures of war in Iraq obliged him to do away with the All-Volunteer military.

Now he says he is against the draft. I think our young people can be forgiven for doubting President Bush is going to stick with that position. George W. Bush may have avoided the draft when he was a young man, but he is not going to be able to avoid the draft as President if he is reelected and pursues his policy of preemptive war.

#### OVERTIME PAY

Mr. HARKIN. Mr. President, I also want to talk about a few of the things that have happened here this year in the course of our deliberations and debate on legislation in the Senate and in the Congress.

One of the issues I would like to talk about—and it came to a head here at the end—has to do with agriculture. But before I get into that, I want to talk about overtime pay. Then I want to talk about agriculture and conservation.

Last week, in a replay of what happened almost a year ago, the Bush administration used a conference committee to kill my provision to stop the Department of Labor's new rule on overtime pay, a new rule which, if it is allowed to stand, will strip 6 million workers of their right to time-and-a-half overtime pay.

Once again, the overtime provision I offered and which was adopted by the Senate was killed in conference, despite votes in both Houses of Congress demonstrating strong bipartisan support for my amendment to stop these onerous rules of the President from going into effect and denying the right of overtime pay to some 6 million Americans.

Now, yesterday, we in the Senate, yet again, voted to protect hard-working Americans' right to earn overtime pay. That bill we passed—as the amendments I have offered before that we passed four times—serves the simplest of purposes. It lets stand the new threshold of \$23,660, below which anyone who is working is automatically guaranteed the right to overtime pay, and it guarantees that no worker who currently receives overtime pay would lose the right to overtime under the new rule. That is what this Senate voted to keep four times, and the House, twice.

This is a subject I feel deeply about, and I know I am not alone. Wherever I travel in the United States, people come up to me and talk about what overtime pay means to them and their families. They can become quite emotional about it. They know what this administration is trying to do. They are angry that this administration wants to roll back this new overtime rule.

It is a simple matter of honoring work. People believe that when they

put in more than 40 hours of work in a week, that they are giving up their premium time, their time with their families, and that their employers should provide them with premium pay if they are giving up their premium time.

Also, many Americans rely on that premium pay as a substantial part of their income—to put a little bit aside for a college education, a rainy day fund, or perhaps maybe to buy a better house, move up the ladder a little bit, buy a new car.

Other people, to tell the truth, would just rather not work a lot of overtime hours. They believe a 40-hour workweek is a full workweek. That is what the Fair Labor Standards Act established when Congress passed it in 1938.

It established in law the principle of a 40-hour workweek, that anyone basically who works over that gets time-and-a-half overtime pay. That was 1938.

But get this, in 1933, this Senate, right here in this very Chamber—in 1933, after lengthy debate—passed a bill to establish not a 40-hour workweek, or 50-hours, as it was then, but a 30-hour workweek—a 30-hour workweek, in 1933. Think about that. They voted here to establish a 30-hour workweek in 1933.

Congress fought about it for about 5 years, and finally, in 1938, they compromised at 40 hours. It has been that way ever since. I will bet we couldn't pass a bill in this Senate today to establish a 50-hour workweek. By letting these rules go into effect, we are telling people, hey, you can work over 40 hours a week, but don't expect time-and-a-half overtime pay. That is exactly what we are talking about.

Again, we know that if overtime is free to the employer, if they don't have to pay anymore, they will work people overtime. This chart illustrates that. The red block is those who have no overtime protection. The green represents people who do have overtime pay protection. Of those who have overtime protection, only 19 percent work more than 40 hours a week, about one out of every five. These are people who get paid for overtime. But if you are not eligible for overtime pay, 44 percent work more than 40 hours a week, almost one out of every two. So if you don't have overtime pay protection, you are twice as likely to work overtime.

How about working more than 50 hours a week? If you have overtime pay protection, only about 5 percent work more than 50 hours a week, but if you don't have overtime pay protection, three times as many—15 percent—work more than 50 hours a week.

That tells the whole story right there. That is what is happening. If this new rule is allowed to stand, we will be back here 5, 6, 7 years from now, and you are going to see this red mark way up there, 50, 60 percent or more of people without overtime pay protection working more than 40 hours a week.

Last year, the Bush administration launched an assault on the time-hon-

ored principle of time and a half pay for over 40 hours. Actually the proposal of the President came out in a set of proposed rules from the Department of Labor. The Fair Labor Standards Act of 1938 has been amended and changed a number of times since 1938, but it has always been done through the legislative process, not administrative rule-making.

Ordinarily, the administration comes to Congress. They say they would like to modify the Fair Labor Standards Act for one reason or another. The appropriate committees have hearings. They bring in witnesses. We work it out. We bring it to the floor. We pass it. It goes to a conference with the House, and it is sent to the President for signature. That is the way it ought to be done.

This time, for the first time, this President issued a proposed set of regulations drastically changing the overtime pay rules without one public hearing. They issued these proposed rules without having one public hearing. It actually took us several weeks, kind of plodding through the proposed rules, to see what they were proposing. The magnitude was breathtaking.

Some of the most harmful provisions were not discovered until months later. Frankly, we were shocked when we first saw in these proposed rules of the administration that they were proposing to strip overtime pay from police officers, firefighters, veterans, nurses, and many others—radical stuff. Of course, once the true intent and extent became known, many of those affected were in open rebellion. We talked about it, and I talked about it here on the Senate floor.

When the Department of Labor issued the final rule just this spring, the White House seemed to have an election year conversion. Under extreme pressure from labor unions as well as us here in Congress, the administration backed off its attempt to strip overtime from certain high-profile groups such as rank-and-file police officers, firefighters, emergency medical technicians. I salute the efforts of many individuals and groups who fought hard and who forced the administration to abandon several of these most offensive and egregious proposals.

But what did the change do? They took us from an estimated 8 million people hurt by these overtime rules to 6 million. So basically we went from a proposed set of rules that were profoundly terrible to a set of rules that were just plain terrible.

The administration said they fixed it up. Sure, I admit there are about 2 million fewer people who were affected in the final rules, policemen and others. But make no mistake about it, up to 6 million hard-working Americans earning as little as \$23,661 a year will lose their right to time-and-a-half overtime pay.

Mr. FRIST. Will the Senator yield for a question? It is really an inquiry about tonight's schedule. About how