

Mr. WYDEN. The Senator from Nevada is correct. The fact is the Federal Trade Commission is AWOL on this issue. It has sent letters to all of us in the West saying they are concerned about the issue, but they have not been aggressive in standing up for the consumer.

I pointed out today that the oil companies ought to be rewarded financially when they take actions that benefit the consumer, not when they gouge the consumer. The consumers today are, in effect, getting fleeced from this unfair subsidy that is in the Tax Code when a profitable refinery goes down.

The Senator from Nevada is absolutely correct. The Federal Trade Commission, in my view, is just going through the motions. I think they hope somehow this issue is going to pass. All of us in the West—a part of the country where there is a very tight supply situation—understand this problem is not going away. I intend to join with the Senator from Nevada in trying to put the heat on the Federal Trade Commission.

Mr. REID. Mr. President, I would like to ask the Senator one more question. The Senator heard the remarks of the Senator from California saying that the Bush administration was actually doing nothing to look at the prices. In fact, the administration is in the Supreme Court today trying to keep secret its dealings with big oil.

The Senator would acknowledge that this administration, the President, and Vice President made their living—certainly part of their wealth they have accumulated—dealing with oil companies.

Does the Senator from Oregon acknowledge that the President has the bully pulpit and can certainly ask our so-called friends, Saudi Arabia and other countries, to stop cutting back the supply of oil but increase the supply of oil? Would that not also help, I repeat, the President putting whatever pressure he has—and that is significant—to tell the Saudis to start giving us more oil?

Mr. WYDEN. I agree fully with the Senator from Nevada. In fact, I submitted a resolution urging the President do that. In fact, my resolution mirrors the resolution that was drafted by our former colleagues, Spence Abraham and John Ashcroft, that passed in 2000 when President Clinton was faced with the same kind of situation.

I am very hopeful that the Senate will take up that resolution and do exactly as the Senator from Nevada has said.

I also point out that it was very striking, even before this debate about Mr. Woodward's book, that the Saudi Foreign Minister said recently when they cut production—and he was quoted on the news services saying that he was not even contacted by the Bush administration. He heard that the Bush administration was disappointed from the press, but he was not even contacted by the Bush administration.

If ever there were an administration that had earned some chips with the Saudis, given all that our country has done, this is an administration that has done so. I think the points made by the Senator from Nevada are extremely important.

Mr. President, I believe my time has expired. I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use my leader time.

#### NO CHILD LEFT BEHIND

Mr. DASCHLE. Mr. President, I wish to talk this morning about the ambitious education reforms the President signed into law just 2 years ago. We all recall 2 years ago when President Bush signed the No Child Left Behind Act. We also know it requires States to set high standards for all students and place a well-qualified teacher in every classroom and holds schools responsible for results. In exchange, it promises schools they will have the resources to meet the new standards and to make the law work.

When the President signed it, No Child Left Behind enjoyed overwhelming bipartisan support in Congress. It also had strong public support. Unfortunately, when implementing the law, the administration has often acted in a heavy-handed manner, and it has failed to provide schools the resources they need to make sure every child is given the opportunity to learn. As a result, there is now a growing backlash against No Child Left Behind.

This is not a partisan issue. A good deal of criticism is coming from Republican lawmakers. In Utah, the Republican-controlled House of Representatives voted 64 to 8 not to comply with any requirements in the No Child Left Behind Act that are not paid for by the Federal Government. In Virginia, the Republican-controlled House of Delegates voted 98 to 1 to ask Congress to exempt it from the new law. According to the National Conference of State Legislatures, 23 States have now lodged formal complaints against No Child Left Behind.

One reason for the erosion of support is the initial difficulty many school districts had getting answers from the Department of Education on how the law would work. It took the Department a long time to issue its regulations, and when the rules were finally announced, many educators considered them overly rigid.

Fortunately, the administration has begun to address some of these concerns. In recent months, the Department of Education has announced changes in the testing requirements for students with serious disabilities and for children who speak English as a second language. It has announced it is giving schools more leeway to meet the requirement that 95 percent of all students be tested.

Last month, the Department announced it is giving States more flexi-

bility to determine when a teacher is highly qualified. In addition, it announced it is giving teachers in rural school districts an extra year, until 2007, to show they are qualified in all of their subjects.

These are all important changes. The extra year for teachers in rural districts to meet the new standards is especially important to rural States such as mine which have a harder time attracting and keeping good teachers. I commend the administration for its newfound willingness to try to address some of the real problems.

None of us who voted for No Child Left Behind ever intended for the Federal Government to dictate to local communities exactly what they should teach their children and how they should test them. It was never the intention of Congress to strangle local decisionmaking and creativity with Federal redtape.

It is important the Department of Education continue to listen. It is counterproductive when the education Secretary labels as "terrorists" people who raise questions about the way the law is being implemented.

It may be, and certainly in this case if it is going to be successful, that No Child Left Behind requires something we have not seen enough of: a committed partnership. It is the most comprehensive overhaul of our Nation's education laws in a generation. Making adjustments is not admitting defeat; it is a necessary part of making this ambitious law work. But some of the most serious concerns being expressed about No Child Left Behind cannot be fixed simply by rewriting legislation or the regulations.

Since he signed No Child Left Behind into law, President Bush sent Congress three proposed budgets. When you add all three of his budget proposals together, the President has recommended underfunding No Child Left Behind by a staggering \$26.5 billion.

The President's proposed budget for next year contains \$9.4 billion less for the act than the law promises. More than \$7 billion of that shortfall is in title I, the very program that is most critical to closing the achievement gap for minority students, poor children, and children who do not speak English. The President's education budget does not leave no child behind; it leaves 4.6 million children behind. The alternative budget proposed by our Republican colleagues in the Senate is much better. It underfunds No Child Left Behind by \$8.6 billion.

The reason we are underfunding education is clear: The administration and congressional leadership would rather take more of these resources for tax breaks to the very wealthy than keep the promise we made when we passed No Child Left Behind.

The repeated refusal to adequately fund education is hurting schools and not just in big cities.

In my State, schools in small towns and rural communities are stretched

thin because of their shrinking tax bases and high transportation and other costs. They cannot afford any more unfunded mandates from Washington.

They need help attracting and keeping good teachers.

They need help to keep up with advances in technology.

I talk to teachers and principals in South Dakota all the time who tell me, "We're not afraid of accountability. We welcome high standards; we know we can meet them. Please, just don't set us up to fail."

Last month, during the Senate debate on the budget resolution, we offered an amendment sponsored by Senator TED KENNEDY and Senator PATTY MURRAY to fully fund No Child Left Behind. Our amendment would have provided exactly what Democrats and Republicans agreed was needed to make the law work when we passed it 2 years ago.

Regrettably, Republicans defeated our amendment.

But this is not over. There are still months to go before Congress passes a final budget. At every opportunity, we are going to continue to press for full funding of No Child Left Behind. We will also press for the Federal Government to honor its commitment to shoulder 40 percent of the cost of special education.

Accountability in education is essential. But accountability has to work both ways. Congress cannot pass the most sweeping education reforms in a generation and then refuse, year after year, to pay for them. The reforms in No Child Left Behind are the right reforms for our children's schools. But they will not work if we refuse to fund them.

I recently received a letter from an elementary-school student in South Dakota. Because of budget shortfalls, her school district is considering merging with another district.

She wrote, "Even though we are just two small towns in South Dakota, the Burke school means very much to me."

Then she added, "I know that NASA is trying to help mankind, but right now, my school needs that \$3 trillion more! . . . I'm in the fifth grade. . . . The school means very much to me, so please HURRY."

Budgets are statements of our priorities and values.

Before we vote to spend trillions of dollars to make permanent the President's tax breaks for the very wealthiest Americans, and before we spend hundreds of billions more to send a person to Mars, we need to fund our children's schools.

In his first budget address to Congress, President Bush said, "The highest percentage increase in our budget should go to our children's education." Yet, the President's proposed budget for next year includes the smallest increase for education in 9 years.

We must restore the broad, bipartisan support for No Child Left Behind

that existed 2 years ago. To do that, we must fund the law.

The Federal Government needs to keep its end of the agreement. Words alone are not enough. Real reform requires real resources.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. How much time remains for morning business on our side?

The ACTING PRESIDENT pro tempore. Thirty-two minutes.

#### NATIONAL ENERGY POLICY

Mr. GRASSLEY. Mr. President, I rise to address the issue of prescription drugs as part of Medicare, a new provision dealing with Medicare, but before I do I will comment on the two issues that have been brought up by Democratic Members of the Senate. I only do that because I think it is appropriate people know that there are two sides to every story—maybe five sides but at least two in the Senate.

I do not find fault with my Democratic friends for bringing issues to the Senate floor, but in the case of the high cost of gasoline as an example, which the Senator from Oregon was talking about, all I can say is we had a national energy policy before the Senate. It passed the House last year; it passed the Senate last year. We spent a couple of months in conference and worked out a very good compromise. It passed the House of Representatives by a wide margin. Exactly how much I do not recall. Then it came to the Senate and we were faced with a filibuster.

In that filibuster cloture vote, we got 58 votes. It obviously takes 60 votes to stop a filibuster. Out of those 58 votes, we only had 13 out of 49 Democrats vote to break that filibuster. So there are another 36 Democrats that if they want to help us reduce the cost of energy, I would beg them to tell our leader that they are prepared to break that filibuster. The leader filed a motion to reconsider. We could bring that up again and within 2 minutes we would have a national energy policy that would send a clear signal to OPEC that we have our energy house in order in this country, and hopefully let them know they are not going to have an economic stranglehold on our economy as they evidently think they have by reducing their production of oil by 4 percent as they did a month ago.

Why would we not expect the OPEC nations to take advantage of a divided Congress when we all know, with the energy blackout in the Northeast last August and with \$2 gasoline right now in the United States, that this country ought to be doing everything it can to solve its energy problem?

The national energy policy we had before Congress last fall that there was a Democrat filibuster against would be a solution because it emphasizes in a very balanced way three things: One, tax incentives for the enhanced produc-

tion of fossil fuels; No. 2, tax incentives for renewable fuels, wind energy, ethanol, biodiesel, biomass; and tax incentives for conservation, such as fuel cell cars.

So when we have an effort to bring a national energy policy before this Congress, and it is defeated by a filibuster that only 13 out of 49 Democrats would support, then it seems to me very wrong for people on the other side of the aisle to be complaining about the high price of gasoline.

Now, it is all right to complain about the high price of gasoline because I do every time I go to fill up my car, but on the other hand, it is one thing to complain about it and not do anything about it. What we need to do is join forces to get this national energy bill passed. It would help if we could get two more Democrats to help us defeat that filibuster.

#### EDUCATION FUNDING

Mr. GRASSLEY. As to the issue of education, all I can point out is that this President has always had education very high on his agenda. Except for September 11 and the war that we are now involved in, education would be No. 1 on this President's agenda. But because of the war, we are in a budget situation now where we are having 10-percent increases for homeland security, 7-percent increases for defense because of the war, and we are having 3-percent increases for education. Now, that may be, as the distinguished Democratic leader said, the smallest increase in education for years, but this 3-percent increase in education is far higher than anything else in the domestic budget that the President proposed to the Congress of the United States because every other domestic program in that budget is going to be increased nine-tenths of 1 percent.

So when we are involved in war, whether it is the 21st century war on terrorism or whether it is the 20th century war on fascism, World War II, this country puts all of its efforts behind the men and women who are on the front line, giving them all of the resources they need to win that war because we only go to war if we go to war to win. This President has done that. But, after taking care of our responsibilities to the men and women on the battlefield, this President has always had education at the top of his agenda. With the way this year's budget treats education compared to every other domestic program, and only third to homeland security and the war, this President is keeping his commitment to education.

#### MEDICARE PRESCRIPTION DRUG PROGRAM

Mr. GRASSLEY. Now I would like to address the issue of the Medicare prescription drug program, because on January 1, the seniors of America are going to make a voluntary decision