any other State, have a notion that President Bush's failed economic policy is building up the mortgage on every single American and American family for years to come.

Mr. HARKIN. The Senator is right. I ask the Senator to repeat this figure.

Mr. DURBIN. By 2009, each American's share of the debt will total \$35,283.

Mr. HARKIN. That is bad enough in itself. I say to the Senator, also by 2009, the interest payments on this debt that we are piling up under this budget that we have will lead to \$980 for the credit card of every man, woman, and child in America. In other words, a family of four will pay nearly \$4,000 just in interest on the debt in just that year. They are not buying it down but just paying the interest charges. And, with the policies of this administration, they will just grow and grow. We know what happens to families as they have a growing difficulty just paying the interest on their credit cards.

Where is a big chunk of that interest rate payment going?

Mr. DURBIN. Certainly it goes over-

And I ask the Senator from Iowa, the President said in the State of the Union, the key to the future of the American economy is to make the tax cuts for the wealthiest people in America, permanent law.

I ask the Senator from Iowa, as he has traveled his State and I have traveled mine, as well, has the Senator found with the working families, a hue and cry, demands to keep President Bush's tax cuts in place, tax cuts that have basically given us the biggest deficit in the history of the United States and have failed to create jobs? Has the Senator heard this in the State of Iowa?

Mr. HARKIN. Not only have I not heard from the people in the State of Iowa, even friends of mine who have a lot of money, who make a lot of money, have basically told me: You guys are crazy what you are doing back there. You have to get this economy straight.

Even the people who made out under this tax break, if they are honest—and many are—are saying: Wait a minute, this is not right for America, not right for our economy.

Mr. DURBIN. I ask through the Chair, I know the Senator from Iowa has had a leadership position when it comes to education and health issues in his appropriations subcommittee. I ask the Senator from Iowa, is the Senator hearing the same thing I am hearing as you visit school districts in Iowa and sit down with school board members and principals and teachers, regarding No Child Left Behind, which is imposing a requirement for testing kids to find out the progress they are making-and there is nothing wrong with that—but then when they find the kids are falling behind, does the Senator hear in Iowa the same as I do in Illinois, hear that these educators are asking, Why did the Federal Government fail to fund this mandate? Why are you sending us the No Child Left Behind mandate and failing to send the money to help educate the children?

Again, we find this President's budget is not funding his education program. It is underfunding his mandate. Does the Senator find the same thing as he travels through Iowa?

The PRESIDING OFFICER (Mr. AL-EXANDER). The Senator from New Hampshire.

The time of the Senator is expired.
Mr. HARKIN. How much time was I allowed?

The PRESIDING OFFICER. There is a 30-minute time limit.

Mr. HARKIN. Under what rule was I allowed 30 minutes?

The PRESIDING OFFICER. We had an order for a 30-minute time limit for morning business.

Mr. SUNUNU. It is my understanding the Senate is in a period of morning business with a time limit not to exceed 30 minutes. I will not take that much time. I wish to speak very briefly and ask a rhetorical question, since I am not allowed to ask a question of a Senator who does not have the floor. But then I would be pleased, if permissible under the rules, to yield the remainder of my time to the Senator from Iowa.

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

SPENDING

Mr. SUNUNU. Mr. President, I happened to come to the floor to hear my colleagues from Illinois and Iowa talking about their concern for the deficit and for spending priorities, and I share their concern.

However, it is worth noting that at this time the pending business of the Senate is a transportation bill that is, by any standards, enormous. It represents an increase of over 40 percent over the previous 6-year bill. It represents a dramatic expansion in the size and scope of Federal Government. It totals over \$300 billion. Unfortunately, it seeks to obtain funds by diverting general revenue tax receipts into the highway trust fund, something that has never been done before.

To the best of my knowledge, both of my colleagues who spoke earlier are more than willing to vote for this enormous spending measure.

I just do not think it is credible to take the floor and raise concerns about deficits and spending priorities and, at the same time, be willing to support such a massive increase in infrastructure spending, when we know full well that States are very capable of making sound decisions for this kind of construction and investment. We know full well that it is wrong to divert money from the general revenue fund in order to support an expansion of this funding. And we know full well this bill is significantly in excess of what has been proposed by the President.

While I do not agree with all the priorities in the President's budget, I think it is fair to say that we would have \$20 or \$30 or \$40 or \$50 billion more for the priorities my colleagues spoke about if they would join with me in raising concerns about this bill.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. The Senator is recognized.

THE BUDGET AND THE DEFICIT

Mr. DURBIN. Mr. President, I would like to engage my colleague from Iowa in a dialog on this issue relative to the budget and the deficit.

The question I asked earlier related to the experience of the Senator from Iowa when he traveled his State and the response of the people of Iowa when it came to the suggestion of President Bush that his tax cut program—primarily for the wealthiest people in the country—be made permanent law. And I asked the Senator: I know that everyone likes a tax cut, but what are you finding?

If I might have the permission of the Chair to ask this question of the Senator from Iowa, without yielding the floor—

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

Mr. DURBIN. What are you finding to be the response, as you travel throughout your State, in terms of the President's tax cut policy?

Mr. HARKIN. Mr. President, I reply to my friend from Illinois, as I traveled around my State since we adjourned back in December, I have not heard anything about making this tax cut permanent. I cannot think of one person who came up to me saying that. But I will tell you what I did hear a lot about.

As the Senator pointed out, I heard from my schools on No Child Left Behind, that they are being underfunded. Special education is taking its toll on property taxpayers all over our State, and they are demanding the Federal Government live up to its promise on special education. I am hearing about the loss of manufacturing jobs in our State. And there are no jobs to be had. I am hearing about the need for better health care for people who do not have health insurance in our State.

I am hearing about the high cost of education. So many middle-class families now, and low-income families, are simply being priced out of higher education. It is taking more and more money to get into college. Right now, a Pell grant provides for about—under this budget—30 percent, give or take 1 percent—maybe 31 percent—of the cost of college. Just 4 years ago, it was 40 percent. So we have lost 25 percent of the purchasing power just of a Pell grant. And these are for poor kids to go to college. Twenty-five percent, just in

4 years, has been eroded. Yet this budget keeps Pell grants right where they have been—with not one penny of an increase.

So I say to my friend from Illinois, this is what I hear Iowans talking about.

Mr. DURBIN. If I might further engage my colleague from Iowa in this dialog and go back to the point I made earlier, I say to the Senator, he has been chair and ranking Democrat on the Appropriations subcommittee that is responsible for education and health, and he has done a substantial and marvelous job, including record funding for the National Institutes of Health and amazing efforts to help the funding of education.

I ask my friend and colleague from Iowa to just reflect on what I have found, and I ask if he has found the same. I have gone to good schools in Illinois, and they have told me the results of the testing. The results of the testing, in the most recent rounds of testing in No Child Left Behind, required that the students reach a 60-percent plus of performance in terms of their learning ability and learning attainment, education attainment—60 percent.

In some of the schools I have visited in the suburban areas of Chicago—not in the cities, in the suburban areas of Chicago-here is what we found. When they took the test, we found that the white students in the schools were testing slightly over 60 percent. So they were meeting their target. The African-American students were testing in the 40-percent range; the Hispanic students in the 25- and 30-percent range; and the special education students, the students with disabilities, below 20 percent. All of these subgroups, if there are certain numbers of them in each school, are all expected to hit 60 percent.

I ask the Senator from Iowa if he has had similar experiences, and if he would share them with me and try to answer the question these educators asked. They said: If these groups are not meeting the test scores they are supposed to meet, and we are going to be labeled a failing school because of that, what are we supposed to do? What will you do to help us in terms of mentoring students, tutoring students, afterschool programs, and summer school programs?

My response to them, sadly, is, if you look at President Bush's own budget for No Child Left Behind, he underfunds the promised money for these school districts. The law authorizing No Child Left Behind said this year we would send \$34.3 billion to school districts across America to help these kids—\$34.3 billion—and the budget only provides \$24.9 billion. So we are underfunding it by \$9.4 billion.

Mr. HARKIN. Nine billion dollars,

Mr. DURBIN. I ask the Senator, who deals with this appropriation, and the money behind it, where does this leave

our schools in Iowa and Illinois, taking the test, finding the challenge, but without the resources to address it? I ask unanimous consent, through the Chair, for the Senator from Iowa to respond, without my yielding the floor.

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

Mr. HARKIN. I say to my friend from Illinois, Lew Finch, who is the retiring superintendent of schools in Cedar Rapids, talked to me about this. There was an article in the paper also quoting him saying that their good schools are failing and they are doing it for the exact reason the Senator from Illinois pointed out. But here is what he said to me.

He said: I fear that all the progress we have made in the past, under things like the Americans with Disabilities Act, IDEA, Individuals with Disabilities Education Act, and integrating students in schools, bringing kids with disabilities into the mainstream of schools—he said: I fear what we are going to start doing is now segregating them out one more time, segregating them out of our schools again because they are being a drag on all the other students.

Mr. DURBIN. Let me add to what the Senator from Iowa said. This year we will celebrate the 50th anniversary of Brown v. Board of Education, 50 years in America where we have said the integration of schools is essential to equality of opportunity. Separate but equal—Plessy v. Ferguson—was rejected by the Supreme Court 50 years ago, moving us toward a colorblind America and the integration of races in America, something essential to put the era of slavery and racism behind

Mr. HARKIN. Jim Crow.

Mr. DURBIN. And I say to the Senator from Iowa—and I know how deeply he feels about special education—I feel the same way, the same intensity level about the reaction, as parents walk into the school board meeting and say: This high school that I planned on sending my son to, my daughter to so she could get into a good college, I read in the morning paper is a failing school. Will you tell me why I made the sacrifice to buy an expensive home in the suburbs to send my child to a school for his future or her future and now it is a failing school? Explain it to me.

The educators will put the test scores up, and they will see it is the minority students and the students of Hispanic ancestry, as well as the special education students, who are leading to this conclusion.

Now, two things can happen, I say to the Senator from Iowa. The good thing that can happen is we will say: What can we do to bring all test scores up, particularly for those kids who are not doing well. Well, you will not find the answer in this budget. This budget misses the target by \$9 billion in providing extra teachers, extra technology, extra attention. It is not there.

But there is another course we can take that is sinister and ugly. It is the course that says: Incidentally, when those minority students don't come to school, don't go looking for them—would you?—because they are dragging down the test scores. That would be a terrible outcome.

Mr. HARKIN. Or vouchers.

Mr. DURBIN. Or vouchers. And for those—and there are many, even in this Chamber—who have given up on public education long ago, this is the answer to their prayers.

Mr. HARKIN. I know.

Mr. DURBIN. They will get bad test scores and say: Didn't we tell you public education has failed in America? I say to the Senator from Iowa, I think the funding of education is pushing us into a critical moment in the future of public education. Starting just 2 weeks ago, with the signature on the Omnibus appropriations bill, we will have the first Federal funding of a voucher program for private schools in the history of the United States of America.

Mr. HARKIN. Right here.

Mr. DURBIN. Right here in the District of Columbia.

Mr. HARKIN. Absolutely.

Mr. DURBIN. It is an answer to the prayers of those who have a loathing for public education and for the teachers in public schools who many think have the wrong political allegiance, whatever the reason might be. When you put all this together, you realize it is more than dollars. We are moving ourselves to a decision that is calling into question 50 years of American history and more.

I ask the Senator from Iowa, what is his impression as he reviews No Child Left Behind and this funding and the challenges it presents?

Mr. HARKÍN. Our budget has basically two purposes. Any budget, whether it is your own personal family budget, a business budget, or the Government budget, has two purposes: One is to balance income and outlays—in other words, what is the income and what are the outlays, try to get some balance between the two—and the second purpose is to set priorities, choices.

I am sure the Senator is like I am. When you have an income, you sit down and say, this is our income. What is our mortgage? What is our car payment? What is our tuition, all those sorts of things. You add it up and you make choices on how you budget.

That is what this budget is. It is about choices, the choices that this President has chosen: tax breaks for the wealthy, continue those and make them permanent; continue to ship our jobs overseas; continue to underfund education, as the Senator has pointed out; and continue this march towards bigger and bigger deficits that is going to choke off any hope of having a viable Social Security and Medicare system for our kids and grandkids. Those are the choices in this budget.

Mr. DURBIN. I say to the Senator from Iowa, he and I have a mutual friend in former President Bill Clinton who spoke to a group of Democratic Senators a week or so ago. He said: When you look at this budget and you project what this administration and this budget are headed to, it is the concentration of wealth and power in America, the breakdown of our effort to enlarge the middle class in America and, frankly, to accept-sadly-the reality of the haves and have-nots, the disparity in income.

We don't find in this budget an effort to lower the ladder to allow people to come climbing up, as your parents and my parents and we did in our own lives. That is the worst part of this budget, as the Senator said, tax breaks for wealthy people, for this to be the hallmark of this administration for the next year. It has failed to lift the economy. It has failed to create jobs. What it has done is drag us deeply and deeply

into debt.

The Senator brought up the issue of Social Security. We went through the Medicare bill, the prescription drug bill. I have certainly been back to talk to my seniors in Illinois about it. What have you found in Iowa as you traveled around about that bill?

Mr. HARKIN. Well, again, people in Illinois are not that much different than the people in Iowa. I hear the same things you hear. People are frightened. They are not frightened of Saddam Hussein. They are not even frightened by Osama bin Laden. They believe we will have the power and the wherewithal to protect our citizens, maybe not with absolute certainty but with enough that they will feel comfortable in their homes and businesses and in their travel.

What they are frightened about is their kids' education. They are frightened about not being able to pay the next health care bill because they don't have adequate health insurance. They are concerned about whether or not there is going to be a viable Medicare system for their parents, and whether their parents will truly get any prescription drug help at all. There is some confusion right now. People were promised a prescription drug benefit. It passed the Congress last year. The President signed it. Now we are finding out that it is not going to help them that much and that most of the money is going to the pharmaceutical compa-

That is what I find. People in Iowa are afraid that we are headed in the wrong direction. I sense this kind of mood among people, that they know it is not right.

Mr. DŬRBIN. One of the Presidential candidates, one of our colleagues, refers to two Americas, an America for the wealthy and an America for everyone else. What the Senator has just described is what I hear. People who really believed in the American dream thought that with enough hard work and the right values you could succeed.

That is what brought my mother as an immigrant to this country and millions like her. Now the concern is that despite your good values, despite your effort, despite your hard work, you can't reach that point of security because the Senator from Iowa is hearing, as I am, retirees finding that their retirement benefits are being cut off. Their health care benefits are cut off.

These people also wonder if Social Security and Medicare will be there when they need it. If we reach the point where we have diminished those institutions through the prescription drug bill on Medicare, through this budget and its raid on the Social Security trust fund for years to come, then, frankly, we have walked away from the heritage we received.

Mr. HARKIN. If the Senator will yield.

Mr. DURBIN. I am happy to yield for

Mr. HARKIN. There was a recent article in Time magazine talking about how life in America now for many middle-income families, low-income families has become a game of chance. The game is kind of rigged against you.

I remember reading a little newspaper article and the headline was: Vietnamese Immigrants Achieve American Dream, Win State Lottery. The story went on to talk about this Vietnamese couple. They bought a lottery ticket and won the lottery. The idea that this is the American dream, a onein-a-million chance of winning the lottery, that is the American dream, that our life is a roll of the dice, the odds are a million to one against you. No, that is not the American dream. The American dream is what your parents and my parents did, to work hard, to save, to buy a home of their own, to educate their kids and build a better

Mr. DURBIN. Let's pursue one aspect of that which has been an issue on which the Senator has been the leader. Not only has this administration cost us 3 million jobs during the 3 years plus that the President has been in office, more jobs lost than any President since the Great Depression, but now, to add insult to injury, the hardest working Americans, the ones who say we are going to keep going, not just 40 hours a week but whatever it takes for our family, those working hard with time away from their family, working overtime to pay the bills, to get the money together for college, would the Senator from Iowa share with those who are following this debate what this administration has done to overtime pay for Americans for the first time in history?

Mr. HARKIN. It is amazing. Last year this administration came out with proposed rules to change how overtime is figured. Those changes were made without one hearing, not one. Without any consultation with Congress, they just rolled them out there. There was not one public hearing on it.

Without going into all the fine details, it basically means that up to 8

million Americans will have their overtime pay protection removed.

One person said to me: My time with my family is premium time. If I have to give up my premium time with my family to work overtime, I ought to get some premium pay at time and a half.

That has been in law since 1938, the Fair Labor Standards Act. This administration, with one stroke of the pen. one set of proposed rules is going to undermine overtime pay protections for up to 8 million Americans. I can't fathom why they would want to do this to hard-working Americans.

Mr. DURBIN. What was the name of the law?

Mr. HARKIN. The Fair Labor Standards Act.

Mr. DURBIN. The Fair Labor Standards Act of 1938. Is this not the only time since the passage of this law that any President, Democrat or Republican, has reduced overtime coverage and protection for American workers? This is the first time it has ever been done?

Mr. HARKIN. That is true. I want to be very fair. We have changed the Fair Labor Standards Act a number of times since then because some of the job descriptions, buggy whip manufacturers and buggy harness makers, have gone out, obviously.

But, at the same time, we have always expanded overtime pay protection. So the Senator is right. This is the first time since 1938 where an administration has said we want to restrict, tighten down, the amount of people who are eligible for overtime pay protection.

Mr. DURBIN. To follow up on that point, is my impression correct that the Bush administration didn't just sign the law, they sent out information to employers across America saying here is the way to cut the overtime pay of your employees; that the Bush administration proactively sent out this information encouraging employers to cut their employees off of overtime?

Mr. HARKIN. Well, the Senator is right. Again, this is mind-boggling. I will say this—and again to be as fair as possible—there was one part of the proposal that was good, which was to raise the low-income base from about \$8,000 to about \$21,000. That means that right now, no matter who you are in this country, if your pay is less than \$8,000 a year, you are guaranteed overtime regardless of what you do. Well, that needed to be raised for some time. Nobody argues that. They wanted to raise it to \$21,000. We agree with that. But in doing so, they issued advice to employers on how to get around it. They said we are going to raise the base to \$21,000, but here is advice on how to get around it. No. 1. what you do is simply work your people longer and you build that into their base pay. So you work them longer, but you don't have to pay them any more.

Secondly, they said if they are near \$21,000—let's say \$20,500—you may want to raise their pay to \$21,000 and then

they are exempt and you save by not paying overtime. There is gimmick after gimmick on how they can basically get around it. I said this on the floor. This is like the IRS issuing advice to tax cheats on how to cheat on their income taxes.

Mr. DURBIN. Under the Bush administration, we have lost 3 million jobs, we have seen thousands and thousands more manufacturing jobs lost in your State and mine—probably gone forever to China and other places, and then this Department of Labor, for the first time in history, decides that hardworking Americans will not be paid overtime and says 8 million of these Americans stand to lose their overtime pay. If the Senator from Iowa will help me, if we could tell those following this debate, what kind of workers are we talking about? I heard Senator KEN-NEDY say we are talking about nurses and we are talking about people who are involved in firefighting and police

Mr. HARKIN. That is right. Mr. DURBIN. These are the people, unless protected through a collective bargaining agreement, who could lose their overtime pay. I say to the Senator, I don't know what it is like in his State, but we are desperate for nurses in my State. We are looking all over the world to bring in nurses. Along comes the Bush administration saying here is a way, incidentally, for this hospital to stop paying overtime to nurses. It is a tough profession being a nurse, demanding. We count on them when somebody in our family is ill. What is going on here when we are cutting overtime for nurses? Why would this administration make that part of their economic policy?

Mr. HARKIN. Well, it is one way some unscrupulous employers—I would not say all-will be helped. Again, I must say to my friend that prior to this rule being issued last year by the administration, and even during the debate on this last year, I never had one employer in my State come up to me and say we need that. Not one. Obviously, there are some someplace who want to get it changed. They must have very close friends in the White House. This is one way of working people longer hours. American workers now work a longer work week than any other workers in any other industrialized country right now. Now they want to work them longer and not pay them overtime.

Mr. DURBIN. To close this chapter completely, I want the Senator to tell us about the legislative history. Didn't you ask us to vote on this on the floor of the Senate? Didn't you ask us to say to the administration, no, you cannot cut 8 million people off of overtime. Didn't the Senate decide that? What happened?

Mr. HARKIN. We had a vote here last summer to basically keep this rule from going into effect. It passed the Senate on a bipartisan vote.

Mr. DURBIN. To protect workers.

Mr. HARKIN. Yes, to protect them and their right to overtime. The House of Representatives earlier passed a bill and it lost by about four votes. After we passed it, it went back to the House and they had a big vote to instruct conferees. In other words, telling their conferees to go along with the Senate provision on this. So we had that. We went to conference and before the conference came to this issue, the gavel was banged and we were never invited back. Guess what. What we voted on here and what the House agreed to disappeared, because the administration came in and said they didn't want it in the big appropriations bill we passed a couple weeks ago. So they thwarted the will of Congress, and of the conferees who never got to vote on the issue. Most important, they thwarted the will of the American people. But I have an amendment in my desk drawer and every appropriate opportunity this Senator gets, I am going to offer it here on the Senate floor because American workers deserve to have their protected—nurses. overtime firefighters, police officers, ordinary working people all over America. If they are going to be asked to give up their premium time with their families, they deserve time and a half.

Mr. DURBIN. I will say this and I will yield the floor. We have a mutual friend, Congressman DAVID OBEY of Wisconsin, who has a favorite saying on the floor of the House about Members of Congress posing for "holy pictures." In this situation, with the vote the Harkin amendment asked for in the Senate, Democrats and Republicans said we are against this Bush policy of cutting 8 million Americans off of overtime pay, and then the House of Representatives in instructing conferees said we are against this Bush policy, so that all of us were posing for this big group picture—holy picture on how we are standing with American workers

In a matter of 5 minutes, as the gavel is struck in the conference committee, the Bush White House prevailed and this rule striking overtime for 8 million American workers is signed into law by the President. Is that the final result, until your amendment comes along, I hope?

Mr. HARKIN. The final result is the rules are still pending. They have not implemented them yet. As I understand it, they want to get the rules finalized by March, which is next month. So they want to finalize the rules, put them out there, and it is going to be very hard for us to turn them back again. But we will. The American people will not stand for having their overtime pay protection taken away. Time and a half, for time over 40 hours a week is something every American worker deserves. Some families rely on that extra time. They give up premium time and they work longer so they make a little extra money to get their kids through school. Now we are going to say we are going to work you longer,

but we are not going to pay you overtime. The American people won't buy that. We are going to continue to fight here to protect their overtime rights.

Mr. DURBIN. I thank the Senator for this dialog about the budget and about issues involving working families in America. I thank him for his leadership time and, again, whether on special education, funding for college expenses, or protecting American workers on overtime, he has been a leader in the Senate and he will continue to be. There is much more that needs to be said about this budget. At this point, I will defer to others who want to join in this conversation

I yield the floor.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for about 5 more minutes.

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

Mr. HARKIN. Mr. President, I thank my friend for his kind words and reciprocate by thanking him for his leadership on the floor and in our caucus, and for always being here to respond and make sure we have the information we need on which to base our votes. We served together in the House and we are together in the Senate, and I could not ask for a better neighbor either here or across the Mississippi River.

I will close by again saying this—and I will have more to say about this later. The budget the President has proposed is just one that will harm America. It is going to harm our workers, increase our deficit and, quite frankly, it is going to put in jeopardy the Social Security and Medicare sys-

It is a shame all this has been squandered in just 4 years. I believe we in the Senate need to respond, we need to say no to this Bush budget, and we need to have a budget that puts us back on the path we were on just 4 short years ago.

With that, we can have a budget that will be in balance, and we can have a future that is much brighter for our workers, for our children, and for our elderly.

Mr. President, I will have more to say about the budget in the coming days and weeks before the budget resolution is brought to the floor.

I thank the Presiding Officer. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the