

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. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know the hour is 12:30 and we will recess for the weekly caucuses. I ask unanimous consent that the Senator from Michigan, Mr. LEVIN, be recognized to speak for up to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Michigan.

UNITED NATIONS SECURITY COUNCIL
RESOLUTION

Mr. LEVIN. Madam President, this morning's newspapers brought the welcome news that the administration is finally waking up to the need to seek greater international support for and participation in our stabilization and reconstruction efforts in Iraq by seeking a new U.N. Security Council resolution. There has been a tragically long overdue recognition of the importance of doing so.

While this welcome news was attributed to an unnamed administration spokesman, hopefully some named spokesman will soon confirm it. The delay in arriving at this new approach, along with too much lone-ranger, bring-them-on rhetoric, will make the effort to internationalize the situation in Iraq more difficult and perhaps more costly in terms of the conditions exacted by the international community for its participation.

The word games that have been played by administration officials who have stated that they would "welcome" the participation of troops of other nations but refused to request that participation have also not been helpful.

While the need to internationalize this effort and obtain a U.N. mandate has been apparent to many of us from the beginning, the recent report of the Congressional Budget Office, requested by Senator BYRD, concerning the difficulty of sustaining a large U.S. military force in Iraq reinforces the need to reach out to the U.N. for support in this effort. There will not and should not be any need to compromise with respect to command and control of U.S. troops. There is ample precedent for the nation that provides the bulk of military forces to provide the senior military commander and for the senior military commander to exercise overall command of all the troops participating in a U.N.-mandated mission.

A recent example of that approach was the case of East Timor, where Australia led a coalition of the willing pursuant to a U.N. resolution and provided

the senior military commander for the operation. Once circumstances permitted it, the Australians turned over control to a U.N. blue helmeted peace-keeping force. The first gulf war was an earlier example where one nation, the United States, led a coalition of the willing with U.N. sanction. There will, however, be a need for compromise with respect to the control of civilian reconstruction and political development of Iraq. We should be willing to agree to a reasonable sharing of decisionmaking with respect to the physical and political reconstruction of Iraq. If we are willing to do so, Germany and Russia will proudly go along and France would then have little choice, I believe, but to go along as well.

Statements by administration officials, when we went to the U.N. before the war, which denigrated the importance of U.N. support and the work of U.N. inspectors, were counterproductive to acquiring U.N. backing at that time. We must avoid a repetition of that attitude. Given the pressures that have been brought to bear that were necessary to get the administration to seek support from the international community, I am afraid it will be necessary to keep the pressure on the administration to make the appropriate compromises to work out a new U.N. resolution.

Yesterday, three more U.S. soldiers lost their lives in Iraq, two due to hostile action and one in an accident. While internationalizing the effort in Iraq will not prevent all loss of life in the future, it should help to reduce the risks and ease the burdens on U.S. forces and will help convince Iraqis of international backing and support for our military presence there, and hopefully will increase the sharing of intelligence that is so critical to stopping terrorists in other attacks.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

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

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, we just completed a very important vote prior to the break. Senator BINGAMAN and I offered an amendment to increase funding for programs relating to Hispanic children. There was a point of order raised and that amendment was defeated.

I understand that. But I have trouble understanding a communication re-

leased today from the White House. On this very day we were voting on important issues relating to Hispanic children in America, they released this communication that talks about an historic partnership to improve educational opportunity for Hispanic children. This is nothing but fluff, big piles of fluff.

When it comes to putting the programs where their mouth is, nothing ever happens. We had an opportunity this morning to vote to help Hispanic children, and what do we get from the White House? We get a press release talking about an opportunity to sit down and talk. Here is the statement: The partners will work with local communities to reinforce positive expectations.

The positive expectations were the programs that have been cut and eliminated by this White House.

I hope the American public sees what is happening. What we have from the White House is nothing but piles of paper, nothing to help the children about whom I spoke earlier today, including Ted Eubanks, Mississippi Valley State University, or Maria de Lurdes Reynoso, who talked about programs that changed her life, or Oscar Guzman, who talks about programs that have given his family dignity as the first person in his family to attend college.

I repeat for the third time in these few minutes, I am willing to understand the defeat that has just occurred where, with rare exceptions, the majority voted against the amendment offered by the Senator from New Mexico and me to help Hispanic children. I understand that. However, to have the hypocrisy, the same day, issuing this release, "Historic partnership to improve education for Hispanic Americans," is absolutely ridiculous.

AMENDMENT NO. 1552 TO AMENDMENT NO. 1542

Ms. MIKULSKI. Madam President, I rise to join with my colleague from Maine, Senator COLLINS, to introduce a bipartisan amendment to increase the funding for nursing programs. I send this amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will the report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for herself, Ms. COLLINS, Mr. KERRY, Mr. JEFFORDS, Mrs. CLINTON, Mrs. MURRAY, Mr. DASCHLE, Mr. LIEBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. KOHL, Mr. LEAHY, Mr. SCHUMER, Mr. EDWARDS, Mr. CORZINE, Ms. LANDRIEU, Mr. BAUCUS, Mr. DURBIN, and Mr. DODD, proposes an amendment numbered No. 1552 to amendment No. 1542.

Ms. MIKULSKI. 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 increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs)

On page 61, between lines 14 and 15, insert the following:

SEC. ____ In addition to any amounts otherwise appropriated under this Act for programs and activities under the Nurse Reinvestment Act (Public Law 107-205) and for other nursing workforce development programs under title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.), there are appropriated an additional \$63,000,000 for such programs and activities: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$80,000,000 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 \$6,958,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,720,301,000.

Ms. MIKULSKI. Madam President, I rise to offer this amendment so that we can really get behind our nurses in this country and deal with the critical nursing shortage facing acute care facilities and other important facilities that need nurses. This is a bipartisan amendment to the Specter substitute amendment. I am joining with Senator COLLINS to offer this amendment, along with the other cosponsors.

Let me tell you what this amendment would do. It would provide \$63 million to fund programs that recruit and retain nurses by helping them pay for becoming nurses. This was created by last year's bipartisan effort to pass something called the Nurse Reinvestment Act and also other important programs to educate nurses. The Nurse Reinvestment Act was an important bipartisan accomplishment in which we came together across party lines to deal with the nursing shortage. This is a crisis that affects patient care across the country.

So, what did we do? We created scholarship programs and we created loan forgiveness programs to bring more nurses into the profession. But while the legislation, the Nurse Reinvestment Act, created the authorizing framework, it did not put money in the Federal checkbook. That is our job in appropriations. We salute Senator HARKIN and Senator SPECTER for trying to fund this, but they are funding it at \$15 million. You cannot keep nurses, you cannot get nurses, and you cannot educate nurses to be nursing faculty on \$15 million. We need more money. Where there is the wallet, there is a will on the part of many women and men who want to come into nursing.

We are in a crisis. There are 125,000 nurse vacancies in hospitals nationwide. This does not even deal with nursing homes, home health agencies, schools, and other sites.

The Senator from Maine and I have been champions of home health care. She has the rugged terrain of Maine and I have the mountain counties of Maryland, where we know our nurses get on snowmobiles to get out there to visit patients who need them. There

are just not enough of them, and we need to make sure we deal with this. In my home State of Maryland, there is now a 13 percent hospital nursing shortage; 2,000 full-time nurses are desperately needed, not only in the bustling metropolitan area of the Baltimore-Washington corridor but in our rural communities. The nursing shortage will only get worse and we expect it will double by 2010, to 275,000 nurses.

While we have people who want to come into nursing, we have a nursing faculty shortage because nurses have so much student debt that they really do not have the wherewithal to go on to the master's and doctoral levels to do this.

I note the Senator acting as the Presiding Officer, Madam President, is from North Carolina. She knows we have the wonderful urban areas of Raleigh and Duke University, but I have talked to her about going out to those rural communities. They just do not have what they need in the way of nurses. Yet we teamed up to make sure they could use the community college programs to get people into nursing and to stay in those communities. What we are talking about is helping people who will come into nursing. We will provide either scholarships or loan incentives if they will come into those critical shortage areas. Isn't this terrific?

What we know is many young women and even young men are coming into nursing later in life and they have other responsibilities. This is why we need to help them by making nursing education more affordable, providing scholarships in exchange for 2 years, and also financial assistance to obtain advanced degrees in order to be able to get our people ready for nursing education. Our amendment funds other important nursing programs to educate and train advanced-education nurses, such as nurse practitioners, and also in other areas.

Our chairman and ranking member of the subcommittee faced a very tight allocation. They did a fantastic job. What we need to do, though, is get the Senate behind them and increase the funding for these nursing education programs. We have all of the nursing groups behind us. We have groups such as the Susan G. Komen Breast Cancer Foundation, the Men's Health Network, the Federation of American Hospitals, and AARP. Why? Because we know behind every great doctor there is an outstanding nurse.

We need it for patient care. Where there is a nursing shortage, there is going to be an impact on patient care. Our patients need it. The baby boomers are getting older. The need for nurses is only going to expand, and certainly by making a public investment to make nursing education more available and more affordable, we are helping not only to educate the nurse but I believe we are making an investment in saving lives, in preventive health care, and home health care.

I hope my colleagues will join in supporting this amendment and I yield the floor so others may speak about it.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am very pleased to join my friend and colleague from Maryland in offering this important amendment to the appropriations bill. Senator MIKULSKI and I have teamed up on many health care issues, ranging from home health care, ensuring adequate reimbursements to diabetes research, to helping draft the Nurse Reinvestment Act as members of the Health, Education, Labor, and Pensions Committee.

Today we team up once again to increase the funding for the Nurse Reinvestment Act and other nursing workforce development programs by \$63 million. I join my colleague from Maryland in saluting the efforts of Senator SPECTER and Senator HARKIN in providing some significant funding for nursing education programs. Our amendment, however, would bring the total level of funding for these vital programs up to \$175 million in fiscal year 2004. That is not up to the full authorized level, but it is an amount that we believe would allow us to make real progress in remedying the extreme nursing shortage facing our Nation.

In fact, the United States is facing a nursing shortage of critical proportions. Moreover, this shortage is only expected to worsen as the baby boom generation ages and their need—for health care grows. According to the American Hospital Association, there currently are more than 126,000 nursing vacancies in hospitals alone. The Department of Health and Human Services estimates that by the year 2010, there will be a shortage of 275,000 registered nurses, more than double the current number. In Maine, almost 1 out of 10 nursing positions at hospitals across our State is vacant.

We also face persistent shortages of certified nursing assistants and other front-line health care workers in our hospitals, home health agencies, nursing homes, and other health care facilities.

The current nursing shortage poses a significant threat to the ability of our health care system to deliver quality care. The New England Journal of Medicine published a disturbing study last year which found that nursing shortages in hospitals are associated with a higher risk of complications and even death. The study reported in the New England Journal of Medicine found that patients in hospitals with fewer registered nurses were more likely to suffer from complications such as urinary infections and pneumonia; they were more likely to stay in the hospital longer; and they were more likely to die from treatable conditions such as shock and gastrointestinal bleeding.

The fact is that nurses are the eyes and ears of our hospitals. They often serve as an early warning system when complications begin to develop. But

the problems cannot be detected and treated early if nurses do not have sufficient time to spend with their patients.

Another study reported in the *Journal of the American Medical Association* last year found that each additional patient in a nurse's workload meant an increase of about 7 percent in the likelihood that the patient would die within 30 days of admission.

This is literally a matter of life and death. If there are more nurses, if hospitals, nursing homes, and other health care facilities are adequately staffed with nurses, the quality of care provided to patients and the likelihood of a successful outcome are much higher.

While the situation is grave today, we face even greater threats and crises in the future. Our current nursing workforce is aging. In Maine, 61 percent of our registered nurses are at least 40 years old. As a consequence, many of them will be retiring just as we aging baby boomers begin to place additional demands on our health care system. The nursing shortage therefore is sure to worsen if we do not make the critical investments today—now. We need to act more to support our current nursing workforce and to encourage more young people to choose nursing as their profession.

Last year, Congress passed the Nursing Reinvestment Act to do just that. This legislation had overwhelming bipartisan support. It authorizes scholarships to nursing students who agree to provide at least 2 years of service in a health care facility with a critical nursing shortage. It creates career ladders to help nurses and other health professionals advance in their careers. It provides loan cancellation for nurses with advanced degrees in exchange for teaching at schools of nursing.

Let me expand on that point.

Last year, I had the privilege of meeting with the nursing deans of Husson, the University of Maine, and what is now Eastern Maine Community College. They told me that they are being overwhelmed with applications from students who are eager to study nursing, but they simply cannot accommodate the qualified applicants who wish to enter the nursing program. The reason: A shortage of nursing professors.

There is a very important provision in this bill that encourages nurses with advanced degrees to teach at schools of nursing to help close that gap and lessen that shortage so that we can start training more nurses. It is not only a matter of encouraging more people to go into nursing but also to make sure that we have the nursing faculties available to educate these young students.

The Nursing Reinvestment Act builds on existing title 8 nursing education programs that provide loan repayments to nurses, improves the diversity of the nursing workforce, and expands opportunities for nursing education at all levels. All of these programs play a

vital role in recruiting nurses and making sure that they have the training required to effectively and compassionately care for their patients.

The promise of this new law and other nursing educational programs will not be kept without an adequate investment of funds. That is why I felt so strongly about joining with my colleague from Maryland in this amendment. Increasing the funding level for these important programs to \$175 million in fiscal year 2004 will allow them to expand to address nursing shortages in communities across the country.

I urge all of our colleagues to join us in supporting this vital amendment.

Thank you, Madam President.

Mrs. CLINTON. Mr. President, I am pleased to support the amendment of Senators MIKULSKI and COLLINS that would bring the total funding in the bill for these programs to \$175 million, the amount requested by over 30 bipartisan Senators and groups ranging from AARP to cancer patient groups to nursing and provider groups.

The Bureau of Labor Statistics projects that more than one million new nurses will be needed by the year 2010. Yet in my State of New York, the number of undergraduate nursing program graduates has dropped each academic year since 1996.

Even as the workforce shrinks, the patient population is projected to grow. Baby boomers across the Nation are aging, and their healthcare needs will put an extra burden on the system. In New York State, the population over 80 will double by the year 2020.

As I travel across New York State, every type of community—urban, suburban, rural—and every type of provider—hospitals, nursing homes, home health agencies, hospices is affected by this shortage. All around the State, nurses are facing an emergency of their own. That is why last Congress I worked so hard to pass the Nurse Reinvestment Act which will provide scholarships, public service announcements, and other provisions to encourage people to enter the profession. But the current nursing shortage exists not only because fewer individuals are entering the nursing profession, but also because the healthcare industry is having trouble retaining the nurses already on staff.

This amendment will help fund important nurse retention programs that we authorized last year in the Nurse Reinvestment Act, based on proven workplace principles, such as promotion of patient-centered care and nurse leadership, that are shown to improve retention. The amendment does not take any funding from other programs in the bill.

As so many studies have shown, our nursing care can often be the difference in medical outcomes. For all the new technologies, talented surgeons, and breakthrough drugs, I want people to remember that nursing care is essential in keeping our healthcare system the best in the world. Study after study

has cited a direct link between the type and quality of nursing care that is delivered and patient outcomes. We trust nurses. In fact in a CNN/USA Gallup poll our Nation's nurses rank second for their honesty and integrity, with 84 percent of Americans rating them "high" or "very high." If you are interested in who was ranked first—it was firefighters, for their selfless acts of bravery after the September 11 attacks.

We too admire nurses for their self-sacrifice, as individuals who embark on a caregiving profession and found themselves on September 11 on the front lines of the battle against terrorism and bioterrorism. Nurses were on the frontlines when anthrax first appeared, when SARS hit, and nurses rose to the challenge and continue to rise to the challenge.

This is why I am so concerned about the nursing shortage. Nurses are more vital than ever, and that is why we must fund these programs and make good on the promise of the Nurse Reinvestment Act.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Madam President, I rise to speak on another matter related to health care. I commend the distinguished Senators from Maryland and Maine for their legislation which I will be proud to cosponsor.

It is a matter I wish to address regarding the health and safety and well-being of thousands of people in the area of my State of Minnesota surrounding the Minneapolis-St. Paul International Airport.

The Federal Aviation Administration reauthorization conference report which was signed before the recess by 24 Republican conferees and none of the 14 Democrat conferees from either the Senate or the House contains some very significant measures that were not provided for in either the Senate or the House legislation. One of those which directly affects my State very adversely would prohibit the use of airport improvement program funds for the insulation of homes and apartments surrounding the metropolitan airport that is in a DNL decibel range of 60 to 64 DNL. That is a technical term. But it basically means that those who are most severely impacted, most of whom have received some mitigation over the last few years through a pool of funds, including airport improvement funds, passenger facility funds, as well as the Metropolitan Airport Commission's own fees and the like, achieved a certain measure of mitigation. But there are many thousands—over 8,000 homeowners and an estimated 3,200 apartment dwellers—who are in the next phase scheduled to be insulated. And since the airport's location decision was made, the Federal Aviation Administration, as a matter of its record and decision, insisted that this program continue.

At the last minute, in a measure that was not considered by or voted on by

either the House or the Senate in this conference report, a Senate conferee reportedly inserted this language into the report. Now it comes back and is scheduled to come at some near date before this body to be voted up or down, which is, of course, the purpose of these circumventions of the legislative process. They do not go through committee for up-and-down votes nor a public debate back and forth. They don't go to the Senate floor for debate back and forth and a vote up or down. Instead, they are stuck in at the last minute in secret proceedings with not even all of the conferees present—certainly not all of the Senators present—and then it comes back in a matter that adversely affects thousands of people in my home State; a measure inserted without any notification to me, without any discussion by a Member of this body at the behest of a lobbyist for Northwest Airlines, which opposes this mitigation measure, and has done so and is within its rights to do so but is responsible for altering an agreement that has been reached; a record of decision made by the FAA as part of the approval of this airport expansion which, if Northwest Airlines wants to alter or eliminate, as they say they do, it is responsible for doing so in a public process before a public body, and not by sneaking in an amendment or language into a conference report that was not considered or voted on by either the Senate or the House.

I find it highly objectionable that a Senator from another State would act in such a way as to adversely affect, to cause potential harm, if this were to go through, to thousands of constituents in my State without consultation, without discussion or forewarning.

Regretfully, this is not the only instance in this legislation of matters that were added to it in conference that received no consideration in either the House of Representatives or in the Senate, language that runs directly contrary to what the Senate adopted. I speak specifically of the Senate adopting the Lautenberg amendment which prohibited privatization of our air traffic control system.

Despite that amendment being added to the Senate bill, being the official position of the Senate, despite the fact that the House did not consider the matter, as the House bill was silent on it, out of this conference committee comes a report which would immediately, upon enactment, provide for partial privatization, for the privatization, first, of smaller airports around the country.

Curiously enough, certain States, those that are proponents of this measure, were exempted from inclusion because I suspect they recognized that this is a highly speculative, highly risky, highly irresponsible action, taken with no debate or forethought but simply to fit some groups' rigid ideological biases that the private sector does everything right and the public sector does everything wrong.

The trouble is, when they get elected with that ideology, they then go about running Government so as to prove themselves right, and they systematically dismantle functions, such as air traffic control, which in this country is about as perfect as a human system can be, which has a nearly impeccable record of performance over the years, by far and away the best, most safety conscious, life-protecting, life-preserving air traffic system anywhere in the world.

Yet this administration wants to start to dismantle it for no cause whatsoever other than, as I said, to fit its own ideology. Rather than coming to this body and having that debate, rather than going to the House of Representatives and having that debate, they would rather wait and have conference committee time where they can sneak back in with 24 of their caucus Representatives and Senators and put this matter before 535 elected representatives of the people, myself being one, who don't have then any opportunity to delete it but simply to vote it up or down.

I find this to be an egregious abuse of the legislative process, one that consistently excludes Members such as myself who don't have the necessary years of seniority to be appointed to these conference committees. It is bad enough that the process is so skewed in favor of those who simply, by the basis of having been here for more years than others, get to dominate that critical phase of the process. But it is intolerable to me, to this Senator—it is intolerable—when that authority is abused and those conferees contrive to write legislation that supersedes the legitimate authority of 100 Senators to decide upon—by voting, by majority rule decisionmaking—what will and what will not become part of those reports which then, if they are passed and signed by the President, become law.

That is fundamentally a violation of the trust that the American people put equally in each 1 of the 100 Members of this body. The people of Minnesota, who sent me here, and who sent my colleague from across the aisle, have the same rights to full representation from us as do the constituents of the Senators from any other State regardless of whether they have been here a longer or lesser time than I.

For my constituents' own vital interests to be harmed by a contrivance of the process that has nothing to do with its integrity but simply is a reflection of who has the power, who has the money, who has the ability to hire full-time lobbyists to hang around these Chambers and to slip into conference committees, at the last second, where no one else is looking or can do anything about it, measures that abrogate the public process in my State—I think in any State, but certainly in my State—that is unacceptable and intolerable.

With all due respect to this institution, I cannot and will not allow that

measure to proceed. As I stated just before the beginning of the August recess, I will do whatever I must do to prevent the proceedings of this body leading up to the consideration of that measure. I hope we can find 41 Members of the Senate who will oppose the conference report for the 2 reasons I have just cited here and other measures that were also added in conference that have an adverse effect, such matters as regional airline operations.

It also adversely affects one city, Thief River Falls, in my State of Minnesota. It imposes an additional \$70,000-a-year funding requirement on them. Again, it is not something that this body adopted. It is not something that the House adopted. It is something that somebody else decided they wanted to add for whatever reasons.

If this bill is not sufficient reason for the Senate to stand up and put a stop to this kind of legislative freelancing through conference committees, then I think the fundamental premise of equal representation and the equal rights of each one of us as Members has been fundamentally decimated, if not nearly destroyed—in some instances is destroyed. And I, for one, am not going to be able to go back and explain to the people of Minnesota why I sat quietly by while their rights in this process were abrogated by somebody else usurping that power and abusing it.

So, Madam President, I will be heard from on this matter again. I don't know when the majority leader intends to bring this matter, the conference report, to the Senate, but prior to that time, if this matter is not satisfactorily resolved, then I am going to have to continue to assert the rights of my constituents to the process that this body established and should be following rather than some kind of legislative freelancing, at the last split second, which totally abrogates their rights and my responsibilities to protect those rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I see my colleague, Senator GREGG, in the Chamber and I yield to him.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I wish to speak to this bill, and in a moment I will have supportive charts to discuss this bill's efforts in the area of education.

Let me begin by congratulating the chairman of the committee, Senator SPECTER, for bringing to the floor a bill which has made major strides every year since President Bush has been President, but especially this year, under Chairman SPECTER's leadership, major strides on the issue of educational funding. In the context of that funding, relative to what was done when the Democratic membership controlled this Senate, or when the President was a member of the Democrat Party, the difference is startling.

President Bush and the Republican Senate have made spectacular strides in assisting and supporting education in this country while, at the same time, doing so during a very difficult period of America's history, a period when we are fighting a war, a war which has required huge resources, and a war which has required extreme attention by the administration, and at a time that we have been in a period of economic recession, in a period when the revenues to the Federal Government have been dropping precipitously because of that recession. Even in the context of those two very severe restraining events relative to domestic program activity, this President has been willing to step forward and focus on the issue of education, try to improve the education of America's children and support that effort with dollars.

I think before we get into a discussion of the dollars, because that is critical to the pending Byrd amendment, I will begin by saying this goes beyond the issue of dollars, this goes into the question of the attitude and approach to education.

What President Bush has said is we can no longer afford an educational system which, year in and year out, in generation after generation, leaves behind especially low-income children, takes those children and runs them through the educational system and, at the end of their schooling period, leaves them without the skills they need in order to compete for and participate in the American dream. President Bush has sounded a call to end that system and do something about the failures of that system.

There are a lot of good-faith people, a lot of hard-working people in the educational community in this country. A lot of teachers spend an extraordinary amount of hours, time, and extra effort to try to make sure their students succeed. Unfortunately, the fact is that, even though we have radically increased the dollars in education over the last 20 years, the performance of our children has not improved—especially the performance of low-income children.

So President Bush said let's try a different way. That is where the bill, the No Child Left Behind Act, came in. It says, rather than controlling the input of legislation, rather than telling local school districts how to run their schools, let's take a different look at this and say, what are the children learning? Let's find out what they are learning; let's shine a light on it. If they are not learning enough to be competitive with their peers, or with what they need to be successful in society, then let's put in the remedial efforts to try to correct those problems.

It is an unusual approach in our educational system because, basically, it calls on the educational community to be accountable, to actually have to look at what a child is learning and determine whether what they are learn-

ing is what the community expects them to learn. The President's program, as passed by the Congress in a bipartisan initiative, doesn't set a Federal standard for what a child in the fourth grade in Epping, NH, knows; it rather says to the people in Epping, you set the standard for what your children should know in the fourth, fifth, and sixth grades. Once you have set that standard, you are going to have to determine whether your children are learning to that standard, and especially whether your low-income children, who have historically been left behind, are learning to that standard. If they are not, you are going to have to tell the parents they are not. You will have to disclose to the community at large that a certain percentage of the children are not reaching the standards the community set for those children.

It is a radical idea for education to be held accountable, but it is an idea whose time has come. So far, the response of the educational community has been very positive. Most teachers understand this is a law directed not in a negative way toward their efforts but in a supportive way, trying to make sure school systems are more accountable—especially in those areas where you have schools that have not made the grade, where a majority of low-income kids are failing. In other words, they are not reaching the standards of ability a fifth grader should know in math or in English. In those schools, we are going to try to improve their efforts.

There is a lot of remedial activity to accomplish that. The President not only set out this new initiative in the concept and the way we approach education—when somebody comes up with a good idea for smaller classrooms, more computers, and throws out ideas without any accountability as to whether it produces results, instead of taking that input approach, but an output approach, where you actually expect kids to learn and you find out if they are learning, and if they are not, you do something about it, especially with low-income kids, not only did he initiate that approach but he was willing to put the dollars into the programs that succeed in this area.

I think it is important to understand, as we view the debate of this amendment specifically before us—the Byrd amendment—that the dollars the President has proposed, and which the Congress passed under the Republican Congress, at least, have been a radical increase in funding for education at the Federal level.

The most significant reflection is that, as a function of the Federal Government, education has received more funding in the way of increases than any other function in the Federal Government. You would not believe that if you listened to the other side of the aisle. You would think it was actually being cut or not maintained. But, in fact, what the President has proposed,

and what we have passed as a Republican Congress, has been a dramatic increase in funding in education.

This chart reflects that. It shows that in 1996, when the Republicans took control of the Congress, but most of the burst occurred in the last 3 years since President Bush has come into office. The increase in education has been 145 percent, whereas the increase in health and human services is 100 percent. And in defense funding, if you ask a person on the street what part the Federal Government expanded fastest in the last 5 years, they would probably say defense because that is all you hear about—especially from the other side of the aisle. But that is not true. Defense funding increased only a third as fast as education funding.

That really tells only part of the story. The story is what has happened in the context of this President's efforts versus that of the prior administration, this Republican Congress's efforts versus the prior Democratic Congress's efforts, because we are now hearing all these amendments being thrown at us from the other side about how we are underfunding this or that and not doing enough funding here or there.

But you have to ask yourself, what did they do when they were in charge? Did they make the type of commitments they are now asking be made by the Congress or did they maybe do substantially less and come forward today because it is politically enticing to do so and claim these accounts are underfunded and, therefore, we have to add these additional moneys?

Well, I think there are a couple of facts that need to be addressed right now. The first is President Bush's funding in comparison with President Clinton's funding. In the last year of the Clinton administration, \$42 billion was spent on education in this country. This year, after 3 years in office, President Bush will have increased education funding by 60 percent over the last Clinton budget, to \$67 billion. That is a huge increase and a huge commitment.

It goes beyond that. If you look at it by accounts, you will see what President Bush has done is stand behind his words, especially in comparison to what the prior administration did. For example, in the entire period when the Democrats controlled the Congress and had a Democratic President, their increases in title I spending were \$286 million. Since the Republicans have controlled Congress—and primarily since President Bush has come into office—it has gone to \$1.2 billion. If you total these in special education and also Pell grants—and we have heard a lot of misrepresentation on the issue of Pell grants on this floor—the difference is that in the period of a Republican-controlled Congress—especially since President Bush has become President—the average annual increase has been \$4 billion. That compares to about half a

billion dollars during the period President Clinton was in office and when there was a Democratic Congress.

A Republican Congress and a Republican President have basically made the commitments not only in the area of policy improvement but also in the area of dollars to back up that new policy.

It is instructive, for example, to take a look at some of the percentage differences between what the Republicans have done and what our colleagues on the other side of the aisle did when they were in control.

In the area, for example, of title I, our increases are 320 percent higher than the increases of the Democratic membership. In the area of IDEA grants, our increases are 770 percent higher than the increases when the Democratic Party controlled Congress. In the area of Pell grants—actually during the Clinton administration, Pell grants were cut; they fell in funding—under this administration, the increases have been on an annual basis about 10 times higher than what the Democrats did during their period. It is dramatic.

Overall, if you were to put it into gross terms, that \$4.1 billion annual increase in educational funding, which has come about as a result of the commitment of this President to improving education and backing up those improvements with dollars, represents about an 858-percent increase on an annual basis over what happened when our predecessors were controlling the Congress and we had a different administration.

The practical effect of this has been that we have created so much more money flowing into the educational accounts at the Federal level, unlike what is represented across the other side of the aisle that more money is needed. In fact, what is happening is that we have put so much money into these accounts 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. In fact, of the \$31 billion which has been appropriated under title I or the No Child Left Behind Act, \$9 billion remains unspent. It is sitting at the Department of Education waiting for the States to get to a position where they are able to draw down those dollars. And this is not just from last year, this is from 2 to 3 years back, the whole period of President Bush's Presidency.

It is not an issue of lack of dollars. In fact, it is just the opposite. We are putting so many dollars into the educational accounts at the Federal level so fast that, to make sure they are spent correctly, it has made it difficult for the money to actually be spent. We, obviously, do not want to throw the money out there. It has to be spent pursuant to a plan. Every State has to file a plan. But as a result of the increased spending coming through the

Bush initiatives, as supported by this Congress and especially by the chairman of this committee, Chairman SPECTER, who has been funding these accounts, we now find there is approximately \$9 billion of funds which has not been drawn down.

Today we have before us an amendment proposed by the ranking member of the Appropriations Committee—a man whom I greatly respect and who I think all Senators respect because of his extraordinary history in the Senate—which is proposing to add \$6 billion of spending on to the educational accounts. But how is it paid for? I think we need to address that, too, because, of course, all these kids we are educating and trying to make ready to participate in the American dream are going to have to pay the bills we run up on them if we run them up as a deficit.

So we put in place this year a budget. It was an idea that has been brought back, so to say, because when the colleagues across the aisle controlled the Senate last year, they did not put in place a budget. Why? Because a budget requires fiscal discipline and there were, I suspect, some who did not want fiscal discipline, did not want rules which drive fiscal discipline to be put in place so that spending could be controlled through budget points of order.

We had no budget last year. It was sort of a shock really. Here is the Government of the United States functioning without a budget. It was chaos—in fact, such chaos that not only did we not have a budget, we did not have any appropriations passed under the leadership of the last Congress, my colleagues across the aisle.

The first order of business when we took responsibility for this Chamber, under the leadership of Senator FRIST, was to pass all the appropriations bills from the prior year—almost all of them, 11 of the 13 had to be passed in this year rather than last year when they should have been passed. At any rate, we produced a budget this year, and we passed it.

What is the purpose of the budget? The purpose of the budget is to put in place some reasonable fiscal controls so that in a time when we are obviously running very high deficits as a result of a number of factors—primarily the slow economy which has slowed revenues, the war in Iraq, and the war against terrorism—in that context where we are driving, unfortunately, large deficits, not historically extraordinary deficits but still very large deficits—we need to control the rate of growth in those deficits by having in place a budget which at least in some accounts gives fiscal discipline. So we put in place a budget.

The budget allocates to each area a certain amount of money to be spent. Even in the context of the very severe deficit which we have—and it is significant—the Budget Committee, under the leadership of Senator NICKLES, agreed to significantly increase the

funding for education to try to meet the goals set out by the President.

In the area of special education, we increased funding by over \$1 billion; in the area of title I, we increased funding by over \$1 billion in the budget; and in the area of Pell grants, we increased funding by almost three-quarters of a billion dollars in the budget even though that meant that other accounts had to be reduced because to get the budget in place and have it be fiscally responsible, that required, if we were going to increase some accounts, we were most likely going to have to reduce others. We did a budget, and we passed it in the Senate, and it was passed by the House.

We have in place a budget for this country, finally. We renewed the concept of fiscal discipline through a budget after having abandoned it for a year under the prior leadership of the Senate.

That budget sets out these spending goals, these spending limits which are called caps, the amounts which should be spent in these accounts. The leadership of this committee, Senator SPECTER, met those caps and significantly increased by over \$1 billion the spending on special education, over \$1 billion the spending on title I, low-income kids, and almost \$1 billion in spending on Pell grants.

Now we see these amendments coming from the other side saying: Even though we have a budget, we should ignore it and we should fund all these programs, not at the level that has been set by the budget or the level that has been set by the Appropriations Committee, but at the level set by the authorizing committee outside of the budget.

They are using a gimmick of classic proportions, advance funding, to claim that they are really doing it in a fiscally responsible way. Let me explain what advance funding is.

When a Senator offers an amendment which increases spending by \$6 billion over what the budget allows, and then that person claims it is paid for because they borrow the \$6 billion from next year's budget, that is not fiscal responsibility. That is a game. Anybody sees that as a gimmick. What happens next year? You are \$6 billion in the hole. So next year you not only have to pay that \$6 billion, you have to pay on top of that whatever you are going to pay for the increase in those accounts.

As a practical matter, it is doubling up the deficit. It would probably be better from a practical standpoint if you did not advance fund and you just said: All right, we are going to add to the deficit \$6 billion outside the budget, and we are not going to advance fund.

Advance funding is the worst of both worlds because it takes money from next year, which creates havoc with next year, and at the same time it aggravates the budget deficit issue. So as a practical matter, the \$6 billion that

is proposed in this amendment will add \$6 billion to the deficit, if not this year, next year.

Who pays for that? Who pays for going outside the budget? Well, deficits are paid for by the folks who come here to work, who are students in high school, who are pages. When they get out of college—and I presume most of them will want to go to college—they are going to get a job and that job is going to have a tax burden tied to it. That tax burden is going to be directly related by how much we increase the deficit today, because they are going to have to pay that bill down the road. It is going to come to them, not to us, not to my generation, most likely, but to my children's generation and to my children's children's generation.

So every time we break the budget, we are adding costs to our children. These are the same children we are trying to help. These are the same people we are trying to help as they move through their educational experience. How are we going to help them when we first—well, unless we follow the President's program, we will not give them a great education but, more importantly, when you pass on to them a debt that is outside the discipline which is put in place to live by.

We put this budget in place so we would have fiscal discipline, so we would not be passing on more of a deficit to our kids than is reasonable. Yet these amendments keep coming at us, one after another, saying just add to the deficit, if not this year, next year; don't worry about it; it does not matter; it is for education.

I think it is ironic because the kids who are supposedly going to benefit are the kids who are going to have to pay the costs, and as a practical matter it is not going to benefit them that much. Why is it not going to benefit them that much? Because we already have \$9.3 billion of unspent money in these accounts. We have increased them so fast that they cannot be drawn down effectively.

Now let's go to another issue, this concept that the authorized level has to be funded. This is a very unusual concept for Congress, because for all intents and purposes Congress does not fund anything to authorized levels.

Authorized levels are statements of intent, purpose, goodwill. What Congress funds is a budget and appropriated levels. But now we hear, almost as a matter of sanctity, from the other side of the aisle that we have to reach the authorized level or we have abandoned the children of America.

That is a very interesting concept, but they did not subscribe to that concept when they were in control of the Senate. Last time the Democratic membership controlled this body, which happened to be a year ago, they brought forward an appropriations bill under Labor-HHS, which is the bill we are dealing with today, and they funded education. Did they fund to the authorized level? No, they did not. They

did not even come close to funding to the authorized level.

This is the difference. This is the authorized level, the black line. This is what the Democratic budget proposed. It is a pretty big gap, about \$4 billion. This was what was actually funded in the Democratic bill, which never passed, by the way, nor did the budget because they decided they did not want a budget and they could not pass their bill.

Suddenly there has been an epiphany on the other side of the aisle. Suddenly, the authorized levels are sacrosanct and we must fund the authorized level. Well, I suggest there is a touch of inconsistency, especially in light of the track record we confront when we look at the facts.

So we are turning to the basic underlying point, and that is this: For the first time in at least a decade, and really longer, we have a President who even in a period of extreme national difficulty—war against terrorists who are set on destroying our Nation and killing Americans, and have already done so—and a difficult economic period, although we are coming out of it, hopefully, a President who even during those hard times, where his attention has obviously been drawn off, and appropriately so, to defending America and trying to get us back to work, has continued his focus on making sure children are properly educated in this country, and he is especially focused on low-income kids. That is the uniqueness of what he has done.

Most of us understand that a child from a better-off family is probably going to be taken care of in the educational system, but the low-income child, who comes mostly from broken homes and disproportionately lives in urban areas, has been left behind for generation after generation.

Now we have a President who has said no longer and who is willing to make this his purpose, even during these very difficult times when his attention might and has been drawn off otherwise. He has supported that purpose with huge increases in funding. In fact, in the first 3 years of the Bush administration, he increased funding more for title I in 3 years than the prior administration did in 8 years by a factor of almost 70 percent. The same is true in the special education accounts, and to a lesser extent but to a significant point in the Pell accounts. This is a President who has not only put forward creative and imaginative policy to try to finally get a handle on the fact that so many kids are not learning what they need to know in order to compete for the American dream, has not only put together that policy but has backed it up with real, hard dollars. In the budget this Congress passed, we backed up the President.

Today, the issue is whether we are going to hold that budget, which has these very significant increases in education, or whether we are going to dra-

matically expand the deficit in what seems to me to be a bit of inconsistency in relationship to what was proposed when our colleagues across the aisle were in control.

This committee, under the leadership of Senator SPECTER, this President, has done the work that needs to be done, lifted the weights that need to be lifted in the area of funding education, and we should be supporting this committee's mark in this area.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished Senator from New Hampshire for those comments.

Before replying to Senator MIKULSKI and Senator COLLINS, we have another amendment which is ready to be offered. I ask unanimous consent that the pending amendment be set aside so there may be an amendment offered by Senator INHOFE and Senator DORGAN.

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

AMENDMENT NO. 1553 TO AMENDMENT NO. 1542

Mr. DORGAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. INHOFE, Mr. LAUTENBERG, Mr. CONRAD, Mr. KERRY, Mrs. MURRAY, Mr. DASCHLE, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. ALLEN, Mr. HAGEL, and Mr. CORZINE, proposes an amendment numbered 1553 to amendment No. 1542.

Mr. DORGAN. Madam 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 Impact Aid Program)

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

SEC. ____ . In addition to any amounts otherwise appropriated under this Act for Impact Aid programs, there are appropriated an additional \$26,000,000 for Federal property payments under section 8002 of the Elementary and Secondary Education Act of 1965, an additional \$160,000,000 for basic support payments under section 8003(b) of such Act, and an additional \$1,000,000 for payments for children with disabilities under section 8003(d) of such Act: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$595,000,000 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 \$7,082,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,596,301,000.

Mr. DORGAN. Madam President, I offer this amendment, along with my colleague Senator INHOFE of Oklahoma. We do so on behalf of our other cosponsors: Senators LAUTENBERG, CONRAD, KERRY, MURRAY, DASCHLE, BEN NELSON, JOHNSON, ALLEN, HAGEL, CORZINE, AKAKA and CLINTON.

I will yield to my colleague, Senator INHOFE, to make his statement, following which I will make a statement about the amendment we just offered.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, our amendment adds \$187 million to the Impact Aid Program. If it is accepted, that will only put us at two-thirds funding. It is important to understand what this is because it seems as if we have come back every year since 1997 and had some success increasing the percentage of a program that was put on the books in the 1950s.

First, I agree with most everything the Senator from New Hampshire stated. When you come up with something like this, you have to look at it in the context of fairness and the overall budget. In this case, a program came along in the 1950s that replenishes money that was to go to our schools, that the Government has taken away from our schools. It is as simple as that. They federalize land—perhaps in conjunction with an Army post or Indian lands or in conjunction with a military base of some kind—and when that happens, that takes the land off of the tax base. So the money that would have gone from that tax base to the schools is no longer there. However, the kids still have to be educated.

In the wisdom of Congress in the 1950s they said: It is not fair. We will have to at least treat these kids the same as other kids have been treated.

There is an insatiable propensity for politicians to take from programs and nobody will notice. This program started in the 1950s. It was fully funded. It was fully funded up to 1969. In 1969, they started dropping down. In 1996, it was down to 50 percent. In other words, money that would have been there for the benefit of the children being educated, only 50 percent was getting to the kids.

In my State of Oklahoma, in Lawton, since 1966 the impact aid for Fort Sill, which is located adjacent to Lawton, OK, has dropped substantially, down to one-half in 1996 compared to 1969. This amendment would slowly bring this up to the point where we would be at two-thirds funding.

Let me describe what has happened since 1996. In 1996, we were at 50-percent funding. Until 1969, we were 100 percent, and people left the program alone. But in 1969 that changed and it went to 50-percent funding. We have been successful since then, and I commend my friend, the Senator from North Dakota. We do not always agree on issues. We have disagreed on national missile defense. We have disagreed on AmeriCorps and many other issues. This issue is fairness, an issue on which conservatives, liberals, Republicans, and Democrats can agree.

Due to our efforts primarily, it has gone up from 50-percent funding in 1996 to 51 percent the next year, 57 percent the next year, 58 percent 2 years later and, if adopted, it will go up to two-

thirds. The kids will still not be treated fairly, nor will the school districts. They still will suffer from the fact that the land went off the tax base. However, at least we are on the right trend line, and we should, in another 3 or 4 years, get to 100-percent funding.

I will relentlessly pursue this in any way we have to in order to get to that point.

Fort Towson public schools in southeastern Oklahoma will gain \$51,000 of impact aid if fully funded. This would bring it only to two-thirds funding. As a result, they are having serious problems in these school districts.

Oklahoma is not that much different from other States. In the State of North Carolina, my information is that North Carolina actually has more impacted students than the State of Oklahoma. I don't know where North Dakota stands; I am sure we will hear in a moment. However, it is a fairness issue. Oklahoma is not treated more unfairly than any other State but equally unfairly. The students are not getting the education they need because of one thing, and that is they have had the federalized land taken off their tax base.

I join my friend from North Dakota in trying to pass this amendment. In doing this, a lot of kids throughout America will be treated more fairly. Down the road, in 5, 6, or 7 years we will find this program will be 100-percent funded.

I thank the Senator from North Dakota for the time he has given me and assure him I join him fully in getting this amendment passed for the kids of Oklahoma, North Dakota, and throughout the United States.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I am pleased to work with my friend from Oklahoma, Senator INHOFE. As he indicated, this is an issue that brings support from a bipartisan group of Senators.

I ask unanimous consent to have printed in the RECORD a letter sent on April 14, 2003, to Senator SPECTER and Senator HARKIN, signed by a wide variety of Members of the Senate from virtually every political persuasion and every corner of the philosophical structure around here. It shows the widespread support for the Impact Aid Program and for the funding for this program that was originally promised.

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

U.S. SENATE,

Washington, DC, April 14, 2003.

HON. ARLEN SPECTER,

Chairman, Subcommittee on Labor, Health and Human Services and Education, Committee on Appropriations, U.S. Senate, Washington, DC.

HON. TOM HARKIN,

Ranking Member, Subcommittee on Labor, Health and Human Services and Education, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SPECTER AND RANKING MEMBER HARKIN: As you know, the Senate Impact Aid Coalition was formed in 1996 to

promote and improve the Impact Aid Program. Our coalition has grown from just four Members of Congress in 1995, to its current membership of 45.

Our goal for Fiscal Year 2004 is to increase funding for the Impact Aid Program to \$1.375.4 billion, a 15 percent increase over last year's conference report funding level. This increase will help local school districts, which have lost tax revenue as a result of the federal presence in their district, to serve their communities and provide a quality education. This increase is also an important step toward fully funding this program, which currently receives less than half of its authorized funding.

In a time of budget constraints, we understand that you have difficult decisions ahead, but it is our firm belief that as our service men and women set out to defend our country, we must not forget or ignore the children they leave behind. While the focus on national security and homeland defense is necessary to ensure that the well being of the citizens of our great country, we also believe that Congress must fulfill its federal obligation.

As you know, Impact Aid helps to ensure that military children, children residing on Indian lands and in federally-owned, low-rent housing facilities, and dependents of the federal government receive a quality education. We believe that Congress' commitment to Impact Aid is more important than ever. In addition to the funding increase of 15 percent, we ask that you maintain the eligibility of all students to the Impact Aid Program as defined in the No Child Left Behind Act.

We stand committed to the Impact Aid Program and are ready to work with you and your subcommittee on this very important issue. Thank you for your thoughtful consideration of our request.

Sincerely,

Tim Johnson, Chuck Hagel, Jack Reed, John Warner, Max Baucus, Jeff Bingaman, Byron L. Dorgan, James Inhofe, John Kerry, Daniel Akaka, Pat Roberts, Mike Crapo, Jim Bunning, Ben Nelson, Kent Conrad, Hillary Clinton, Frank Lautenberg, Tom Daschle, Charles Schumer, Barbara Boxer, Russell Feingold, Patty Murray, Jon Corzine, Barbara Mikulski, Dick Durbin, Edward Kennedy, Maria Cantwell, George Allen, Carl Levin, and Jeff Sessions.

Mr. DORGAN. Madam President, my colleague has well described this issue. This is not some extraordinary grant program, some program that will deliver something for nothing to some school district in the country. This is keeping a promise. What is the promise? The promise was made in 1950 that when the Federal Government comes in and takes land or has property that is tax exempt, the Federal Government will make a payment to local school districts in lieu of local property taxes. That is what the impact aid is about. We have other similar programs—PILT, or payments in lieu of taxes—but essentially Impact Aid is a promise to our local schools who still have to educate children despite their smaller tax base. Impact Aid says where we have property, and that property is tax-exempt because it belongs to the Federal Government—in most cases, for example, a military base—we will provide impact aid to offset those costs. That is what this is, impact aid.

In 1950, both President Truman and the Congress said let's do this. It is not fair for the Federal Government's actions to adversely impact a local school district's financial situation. So they created the Impact Aid Program to directly reimburse school districts for the loss of revenue caused by the Federal Government.

There are 1,400 school districts nationwide eligible for impact aid payments serving 15 million children. Let me describe just one of them. I toured a school one day in North Dakota some few years ago. It was a school on the edge of an Indian reservation, a public school district but a school district whose property base was largely tax exempt. So it had very little property on its tax rolls, and therefore it could not bond because it had such a small property base. It could not raise a great amount of tax revenue, as well.

This is a school district that was in great difficulty. It had roughly 150 children, two toilets, one water fountain. In the classroom you saw children sitting 30 in a classroom with desks an inch apart. Many were Native-American children. And one little girl named Rosie Two Bears looked up at me and asked: Mr. Senator, are you going to build us a new school?

Regrettably, I could not build a new school for them, but it was an impact aid school. And the question of impact aid funding bears directly on how many children are in a classroom, how many lavatories exist, what the condition of the building is in which they are going to school. In this particular building, they were holding classes in the lower level of the building, but some days they could not hold the classes because sewer gas was backing up on that level. Part of the building was already condemned.

The question for us is, When a young child walks through that classroom door, are they disadvantaged by having to go to a school that is not in good repair? Having to go to a school where classrooms are crowded? The answer is yes, of course.

I wish I could have told this little third grader, Rosie Two Bears, Yes, I am going to build you a new school, but I couldn't do that. I don't build schools. But I do come here with my colleague from Oklahoma to fight for adequate funding for the impact aid program, to say this Government has a responsibility to keep its promise—yes, to Rosie Two Bears, but to other young children across this country.

I indicated we have 15 million children in these schools that are eligible for impact aid. My colleague just told the Senate that if we pass the amendment we have offered we will still only be providing two-thirds of the money we had originally promised years ago as a Federal Government to make up for the lost revenue in these local school districts.

Some say it is a matter of choice. Yes, it is a matter of choice. There are unlimited needs and limited resources.

I understand all that. We propose an amendment that adds \$187 million.

Let me mention one other fact. The President proposed a cut to Impact Aid that was very significant, as all of us know. The cut was restored back to level funding by my colleagues, Senator SPECTER and Senator HARKIN. But just restoring to level funding means these schools still fall behind because more children are affected in these impact aid schools.

So what Senator INHOFE and I propose is to increase Impact Aid to at least two-thirds of the funding that was promised by adding the \$187 million.

Our amendment is offset in 2004 by moving the fiscal year 2004 advance-funding back to fiscal year 2003, which is exactly the same method used by the leadership to increase funding for the underlying bill by \$2.2 billion. Some say nothing really is happening out in the impact aid schools that would cause us to have to do this. Let me describe what is happening. Medical Lake Washington State School District has scaled back its afterschool and summer programs and is not replacing the four elementary schoolteachers who retired. Why? It doesn't have the money. It is an impact aid school.

The Saint Ignatius Montana School District eliminated four teachers, resulting in larger class sizes, and was not able to give raises to its teachers.

The Suttons Bay Michigan School District has reduced the number of teaching positions and initiated a pay-to-play policy for participating in athletics and extracurricular activities, and reduced spending on textbooks.

Oceanside, CA, a big school district, has had to eliminate transportation for 5,000 students in grades 7 through 12, and 139 teachers have been let go.

Grand Forks North Dakota School District reduced staff, delayed textbook purchases, and delayed capital expenditures for technology and facility needs.

These are real examples of what is happening in real schools that has an effect on real kids entering classroom doors expecting to be able to learn. We have an obligation, it seems to me, to keep our promise.

I said this yesterday, and let me make the point again because it is not an unfair point, it seems to me. We are told that the money does not exist to do everything we want to do. I fully understand and accept that. So if the money does not exist to do everything, then the question is how do we prioritize that which we believe must be done? The question for us is where do children rank? Where do you put kids? At the top? In the middle? At the bottom? Where do our kids fall in our priorities?

I mentioned this yesterday and someone said maybe it was unfair that just a matter of months ago Mr. Wolfowitz went to Turkey and said: If you let our troops go through Turkey, we will give you \$26 billion, \$6 billion in grants and

\$20 billion in loans. I supported that. The next day I called to find out where did the \$26 billion come from, \$6 billion of which was direct spending. They said that will come out of our priorities.

So if we had the money for Turkey and didn't spend it, maybe we could use the money that we didn't spend on Turkey to spend on American kids going to classrooms that ought to be better classrooms, going to teachers who have to pay for their own textbooks, going to schools that are in disrepair, that need fixing, going to Rosie Two Bears' school to make that a school we are proud of instead of having it be a school where you walk through a classroom door and discover that young children do not have quite the same opportunity because they are crowded into a room and do not have the same capabilities as other children in other schools.

My point is that this is all a matter of priorities and choices. We make the choices. Not our uncles, not our kids, not our grandpas and grandmas. We make the choices.

I said when I started, and I want to say it again because my colleague from Pennsylvania is on his feet, that I think the Senators from Pennsylvania and Iowa did exactly the right thing in restoring the money that was cut in the President's budget for impact aid. It brought us back to where we should be, at level funding, if the goal is only level funding. But the Senator from Oklahoma and I said, and we believe very strongly, that getting us to just two-thirds of what we had promised we were going to offer to these school districts that are in such desperate financial trouble because they have lost their property tax base—just getting back to two-thirds is not an unreasonable goal. Doing it by adding the money we propose in this amendment is an investment in kids and an investment in this country that will be well worth it.

Again, I say as I close, if you establish priorities in this Senate, it seems to me the first priority is America's future, and America's future is its kids. It is the kids. And education is about preparing those kids for opportunity.

I hope very much my colleagues will accept this amendment. It is a modest amendment. It is bipartisan. It has broad support. My hope and expectation would be that with those who signed the letter in April to the subcommittee, with those who have co-sponsored our amendment today, that we will be able to have a vote and be successful in adding this money for the impact aid districts and the impact aid schools around this country.

I know this will be a long and tortured trail on the floor of the Senate for this particular bill. This bill is a very important appropriations subcommittee bill. I serve on the Appropriations Committee and I am deeply honored to do it for a very important reason. It is one of the few committees these days in Congress that is truly,

truly bipartisan. We work in a way that respects each other and work together in conferences on appropriations. These are really conferences, not conferences in name in which one side never gets invited, but real conferences. So this is a great committee.

The opportunity on the floor of the Senate to talk about priorities and adjustments in the appropriations process is an opportunity that I do not want to miss. My colleague from Oklahoma would say the same. This is one we do not want to miss.

We thank very much the Senators from Pennsylvania and Iowa for building back that funding which the President cut. We then ask for their support for the proposition that we reach at least a two-thirds funding level of that which was promise to the impact aid schools in this country. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, at the outset I say I am very sympathetic to the considerations raised by the Senator from North Dakota. But the issue is where do we find the money?

As I look over a long list of items where we could make offsets and could have cuts, there is not an item or a line that is desirable. Should we cut money from the National Institutes of Health? Or from community health centers? Or from many other lines? The judgment of the subcommittee, backed up by the full committee, is that we made the proper allocation.

I appreciate the comment made by the Senator from North Dakota that we did reinstate the funds. The administration had made a request which would have reduced the funding from last year by \$187 million. The subcommittee and the full committee have put that money back. I think it is worth noting, since 1996 when the funding was \$693 million, to fiscal year 2003 when the funding is \$1.188 billion, that is a 71.5-percent increase. Regrettably, that is about as far as we can go.

At the appropriate time, for the information of the amendment's sponsors, I am constrained to raise a point of order. The leadership has advised the preference is not to vote until about 5:45. That does not lock in a vote but that is the leadership's position because a number of Senators are off the floor at this time.

I, again, urge my colleagues to bring amendments to the floor. We have a list of about 40 amendments. In a relatively short amount of time that quorum call sign is going to go on. As I have said on a couple of occasions, on August 1 and before the recess, the majority leader and I had a colloquy and talked about going to third reading. My experience at the Senate has been there have been long delays. Senators do have amendments but wait to bring them. I know that requires planning, but the Senate has been on notice for more than a month that this bill would be taken up on September 2. If we are

to complete action on this bill, we are going to have to have the cooperation of the Senate.

If this bill is not signed by September 30, this bill will lose \$3 billion. That is what it will cost if this bill is not signed by the President by September 30. If there is to be any realistic chance of having the appropriations bills finished by and large by September 30, there is going to have to be cooperation by Senators who have amendments but who haven't brought them to the floor. We were assured one Senator would be here at 4 o'clock. Now word has come that the Senator is not going to be ready. That puts the managers, who have the responsibility for moving this bill ahead, at a severe disadvantage.

Mr. DORGAN. Madam President, will the Senator from Pennsylvania yield for a question?

Mr. SPECTER. In a minute.

I understand I don't have the unilateral authority to move to the third reading, but I am going to try to do that if we don't have amendments come to the floor and if we have to wait through quorum calls for protected other business which is not related to this bill.

I would be glad to yield for a question.

Mr. DORGAN. Madam President, I have an observation in the form of a question. Would it be a good incentive for those who take seriously and come to the floor with amendments to offer them quickly and do so in rather short order, as Senator INHOFE and I have done, especially when it is an amendment of great merit? Would it set an example for it to be accepted by the chairman of the subcommittee? That probably is a rhetorical question. Let me ask further, if I might: What point of order does the Senator intend to make against amendment?

Mr. SPECTER. The point of order would be under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds the discretionary spending limit in this section and is therefore not in order.

The Senator raises a very tempting offer. I might almost be tempted to say that any amendment that gets to the floor before 3:59 we would be willing to accept, meritorious or not. That is very much in the eye of the beholder. Of course, I can't quite do that. But I thank the Senator from North Dakota for his diligence in coming to the floor and speaking on an earlier amendment and offering this amendment.

Mr. DORGAN. Madam President, what reward does the Senator from Pennsylvania suggest for that good behavior?

Mr. SPECTER. What was that?

Mr. DORGAN. I was just asking what reward he would suggest for that good behavior. I suggest perhaps a good lesson for others might be to see this meritorious amendment accepted by the chairman. There would a rush here in

droves to offer them very quickly. But the Senator could think about that for a moment.

I wish to ask this question about the point of order. The amendment Senator INHOFE and I have offered is an amendment that dutifully increases part of this bill that we think is critically important, one that still falls far short on the promise that has been made over the years in the funding mechanism we use. It is the funding mechanism, I believe, that in part is used in the underlying bill itself. I guess I am a bit confused about a point of order lying only against our amendment or against some broader construct of what is happening here in the Senate.

Mr. SPECTER. Madam President, parliamentary inquiry: What is the answer to that?

The PRESIDING OFFICER. The same defect would apply to the amendment offered by the Senator from Pennsylvania.

Mr. DORGAN. Madam President, let me make an observation. I do not criticize the defect in the underlying bill. My hope is that the Senator will not criticize the identical defect in the amendment. What I have done, along with my colleague, Senator INHOFE, is offer an amendment that embraces exactly the same approach that is used by the Senator from Pennsylvania and the Senator from Iowa in funding the underlying bill. I take no exception to that at all. I am fully in support of that. Based on that, I hope the Senator from Pennsylvania will not raise a point of order against the amendment.

Mr. SPECTER. Madam President, I do not seek to enter into a disagreement with the distinguished Senator on the point he just raised. But as manager of the bill, I feel constrained to raise the point of order at an appropriate time. I thought I would give the Senator from North Dakota notice of that.

Mr. DORGAN. Madam President, let the Senator from Pennsylvania and me and others discuss that off the floor. The only reason I raise the question is that offering an amendment which uses an identical funding source or the mechanism that is identical to the funding source offered by the subcommittee is one that I thought would not engender a point of order. At any rate, we do not intend to vote on that at this moment. My understanding from the Senator from Pennsylvania is that this will probably be dealt with later this afternoon. If that is the case, perhaps we can discuss this between now and then.

My hope is that the Senator from Pennsylvania will not raise a point of order and give us an opportunity for an up-or-down vote on the merits of the amendment inasmuch as the same funding mechanism used in the underlying bill and the same defect would occur in both.

Mr. DAYTON. Madam President, will the Senator from Pennsylvania yield for a question? If he is looking for

amendments, would the Senator be willing to entertain one from this Senator when this discussion is concluded?

Mr. SPECTER. Does the Senator from Minnesota have an amendment he wishes to offer?

Mr. DAYTON. I have an amendment. Recognizing the generous offer of the chairman of the subcommittee with the 3:59 deadline racing to a conclusion, the magnitude of the offer by the Senator from North Dakota is so modest by comparison that it should enhance his chances.

Mr. SPECTER. Madam President, may I inquire of the Senator from Minnesota whether the amendment relates to this bill?

Mr. DAYTON. The Senator is correct. It relates to funding for the IDEA.

Mr. SPECTER. The amendment does relate to this bill?

Mr. DAYTON. Yes. The Senator is correct. It relates to the funding for IDEA.

Mr. SPECTER. Madam President, if the Senator has an amendment relating to this bill, it certainly will be welcomed. I ask the Senator from Minnesota if he would be willing to defer offering the amendment to give the Senator from West Virginia an opportunity to speak for 10 minutes in advance of offering that amendment.

Mr. DAYTON. I will gladly step aside for the Senator from West Virginia at any time. I hope the 3:59 offer might be extended to include 30 seconds after the Senator concludes his remarks.

Mr. SPECTER. Madam President, I yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the Chair.

Madam President, I thank both of these illustrious Senators, the Senator from Pennsylvania who is managing the bill before the Senate, and I thank the distinguished Senator from Minnesota for his courtesy and kindness.

I will be brief. I do intend to speak out of order. I ask unanimous consent that I may speak out of order for not to exceed 10 minutes.

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

(The remarks of Mr. BYRD pertaining to the introduction of S. 1576 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Minnesota.

AMENDMENT NO. 1554 TO AMENDMENT NO. 1542

Mr. DAYTON. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 1554.

Mr. DAYTON. 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 funding for part B of the Individuals with Disabilities Education Act)

At the end of title III, insert the following: SEC. 306. Notwithstanding any other provision of this Act, the total amount appropriated, out of any money in the Treasury not otherwise appropriated, to carry out parts B, C, and D of the Individuals with Disabilities Education Act shall be \$22,109,931,000, of which \$20,941,000,000 shall be available to carry out part B of the Individuals with Disabilities Education Act (other than section 619 of such Act).

Mr. DAYTON. Mr. President, this amendment would meet a 27-year-old promise made by the Federal Government to the States and to the school districts when IDEA was established. The promise was that the Federal Government would provide for 40 percent of the costs, the additional costs of providing special education services to every eligible schoolchild. It is one of the most important commitments the Federal Government has made for public education, especially at the elementary and secondary levels, and the money could not be better spent on behalf of leaving no child behind.

Sadly, at least in the State of Minnesota—and I know, from the observations of other Senators, in many other States—the funding presently is seriously inadequate to provide all of those services.

In Minnesota, some \$250 million a year shortfall exists in funding for special education which results in education dollars having to be shifted from regular programs and services to special education to meet the statutory requirement of school districts to provide services to every qualified schoolchild. The result is that in Minnesota all the students are harmed by the underfunding of special education, those who are the recipients of those services, as well as those who see dollars shifted from other programs for their benefit.

IDEA funding for part B for States in the current legislation before us is set at \$9.858 billion. To bring that funding up to the 40-percent level, according to the Congressional Budget Office, would require an additional IDEA part B funding of \$11.082 billion. It is noteworthy that the increase exceeds the appropriated amount. Another way of looking at that is that the current level of appropriated dollars is less than half—less than half—of what is necessary to meet that 40-percent level that was committed to by the Congress 27 years ago.

I heard the distinguished Senator from New Hampshire earlier on the Senate floor reference the increases in funding for special education that President Bush has proposed, and I commend the President for doing so. I have not served during the period of time which the Senator from New Hampshire referenced, so I do not have the basis for comparing the period of

time during the 1990s that he referenced under the former administration with the circumstances that this President is faced with, but it is enough for me that President Bush has proposed in each of his budgets an increase in funding for special education, and he should be credited for doing so.

But the fact remains that even with those increases up until this year, the Federal share of funding for special education nationwide is approximately 17 percent of those total costs. In other words, still, despite those increases over the last 3 years, it is less than half of what the Federal Government promised over a quarter century ago.

I recognize that the distinguished Senator from Pennsylvania, with his responsibilities to the budget and to an allotment for the subcommittee's appropriations, has to or is likely to object to this amendment, despite it being inserted just before the 3:59 deadline. I recognize this is an amount that goes way beyond the current mandate of the subcommittee. But as my colleague from North Dakota said so eloquently just a few minutes ago, what we are really talking about as we consider these different amendments in a broader sense is, What are our priorities as a Senate?

What are our priorities as a Nation? Do we really mean what we say, that no child shall be left behind? Are we willing to put forward the necessary resources to accomplish that? Or is that just a rhetorical statement without proper attribution from the Children's Defense Fund and, whereas that esteemed organization has championed the resources and the commitments that would be necessary to actualize that statement, we in this Congress and, with due respect, the administration have still fallen short of that responsibility.

We had, when I came into office, an incredible opportunity because we were looking at projected surpluses for the next decade of some \$5.4 trillion. That is a marked difference from the circumstances which President Clinton faced throughout most of his administration when he was bringing the Nation out of the previous era of deficit spending, when he finally, through collaboration with the Congress—the Senate and the House—during the last 4 years of his administration succeeded in balancing the combined Federal budget. In fiscal year 2000, he achieved for the first time in 4 years—and probably for the last time in 40 or more years—a surplus in the non-Social Security part of the Federal budget; in other words, education, health care, and the like—everything except for Social Security, which at this point, this year, is running about a \$155 billion projected surplus; the rest of the Federal budget was balanced. We had the resources projected that would have kept that operating budget in a surplus mode for each of the next 10 years, according to both the CBO and the OMB when President Bush's administration

took office in January of 2001. I thought then, as I offered this amendment at that time, that we had a tremendous opportunity we should not let go by to bring this funding immediately up to the 40 percent promised level.

That year, in a bipartisan and very genuinely committed way, there was an amendment that was adopted by the Senate that would have brought full funding for special education up to the promised 40 percent level over 6 years—5 years too long in my estimation, but it passed the Senate. It went to conference with the House. It resulted in a protracted conference committee of almost 6 months.

My esteemed former colleague, the departed Senator from Minnesota, Paul Wellstone, was championing this measure, among others, in that conference committee and insisting that the Senate position of building to 40 percent funding for special education over 6 years be honored and kept in the conference report. The House resisted and was adamant, and, unfortunately, at the very end of the conference, the Senate conferees agreed to the House position, causing my colleague, Senator Wellstone, to vote against that conference report, as did I.

Since then, we have all recognized that the fiscal circumstances of the Federal Government have changed dramatically. I find it a little bit disingenuous for the distinguished Senator from New Hampshire to be taking credit for the spending increases for education, which he ascribes to this administration and this Congress; yet, every time somebody from this side of the aisle proposes also to increase spending for education, suddenly our side of the spending equation is bad spending and his side of the spending equation seems to be good spending. As far as I am concerned, it can be Republican spending, Democratic spending, or independent spending for education, and it is good spending. I don't care which administration, which session of Congress, or which Members of Congress can claim credit for that. I just want the credit to be there to be claimed because I know the beneficiaries are the students of Minnesota and, I suspect, all over the rest of the country.

I am also perplexed when I hear the Senator from New Hampshire, who chairs the HELP Committee of the Senate—his expertise and knowledge of these matters is widely respected by colleagues on both sides of the aisle. But when he says, in effect, as he did earlier today, we have put so much additional Federal money into public education at the K through 12 level that the school districts aren't able to spend that money fast enough—a couple of months ago, I heard the Senator state on the Senate floor there was a surplus of Head Start positions available nationwide, so there were more slots available than there were people who wanted to get their children into a Head Start program.

I truly hope if those surplus funds are available, be it from New Hampshire or any other State, they will be put into a reservoir that could be drawn from by other States. I know in the case of Minnesota—I heard the Senator from North Dakota state the same and I heard a number of other colleagues, including Senator PRYOR of Arkansas—I ask unanimous consent that he be added as a cosponsor to this amendment.

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

Mr. DAYTON. He also shared the circumstances with me of the State of Arkansas. When I run by the educators in Minnesota the assertion made on the Senate floor that there is a surplus of Federal funding for these programs, I get absolutely incredulous looks. I find far more concurrence with the Senator from North Dakota, who observed teachers in his State who are reaching into their own pockets for hundreds, even thousands, of dollars, who go without expenses for basic program materials, educational materials, trips to educational enrichment opportunities, and the like that cannot be funded out of regular budgets.

In Minnesota, there is an estimated \$250 million shortfall of special education money because of this underfunding of the Federal commitment, which I can assure my colleagues every one of those dollars would be spent swiftly and necessarily and would benefit students throughout my State if they were made available. So where these surplus dollars are that States and school districts elsewhere don't need, where the additional slots for programs such as Head Start are residing that are not being filled, I guess I would certainly like to see where that exists.

I urge the Secretary of Education, if it is in fact the case, that those funds and those slots be reallocated as swiftly as possible to States like Minnesota, who need them and could benefit from them.

Yes, Mr. President, my amendment exceeds the budget as it exists today. I note that when the budget for this fiscal year began, we were looking at a deficit, we were told, of about \$260 billion, if memory serves me. Now we are told that we will exceed \$500 billion. We are asked rhetorically where will the money come from for these expenditures. I answer rhetorically, from the same place the other \$240 billion that has been added to the deficit this year will come from. And the Senator from New Hampshire is right—that will come from payments made by taxpayers in the future. But if we are going to spend \$100 billion, as some experts estimate we will, over the next year in Iraq, if we are going to spend 10 percent or 15 percent of that amount in Afghanistan, if we are going to spend \$15 billion to address the AIDS crisis in Africa over the next few years, as the President proposed—and those are all either necessary or very worthwhile

humanitarian and strategic expenditures, but if we are talking about additional spending on the magnitude of \$15 billion, \$100 billion over the course of a year, how is it that we always run out of resources when it comes to children, when it comes to especially schoolchildren with special needs, when it comes to those who will be left behind in Minnesota and I suspect will be left behind in 49 other States if these additional resources are not provided?

I thank the chairman of the subcommittee for the opportunity to offer this amendment. I hope it will be considered in the broader context of the priorities of this body for the children of today and tomorrow. I respectfully suggest it is money that will be extremely well spent. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

Mr. SPECTER. I will.

Mr. REID. Mr. President, it is my understanding that the manager of the bill is working to set up a series of votes beginning at 5:45 p.m. today; is that right?

Mr. SPECTER. Correct.

Mr. REID. Just to alert Members, we are going to have one, possibly three votes at 5:45 p.m.; is that right?

Mr. SPECTER. Correct.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had commented earlier today that there was an expectation of voting at 5:45 p.m., that there were a series of meetings at the White House and other places which would keep Senators away from the floor until that time. I just responded to the question from the Senator from Nevada that it is the likelihood, but it is not locked in, that we will vote at 5:45 p.m. How many votes we will have we are not certain at this point.

I thank the distinguished Senator from Minnesota for offering this amendment. The issue on special education is one of great importance. The Federal Government does have a responsibility to come to the 40 percent level. We have been far from it, but we have made very substantial progress. I think it is accurate to say even enormous progress.

Over the course of the past several years, we have made major increases. When I became chairman of this subcommittee in 1995, in conjunction with Senator HARKIN, we made special education a priority, and for the fiscal year 1997, we increased special education by approximately \$800 million. The next year, \$700 million. The following year, \$500 million. The year after that, \$580 million, \$450 million, \$1.2 billion, \$1.3 billion, and this year there is a projected increase of approximately \$650 million.

If you take a comparison from the year 1994, the special education appropriation was slightly over \$2 billion,

\$2.05 billion. This year we are projecting it at \$9.85 billion, which is almost four times as much, almost 400 percent, slightly less. So we have moved up very materially.

I do not have the statistics prior to the year 1996 on the Federal share per student spending, but in 1996, it was 7.3 percent. We have now advanced that to 18.7 percent. We are almost halfway to 40 percent.

If we were to fully fund IDEA, it would take another \$11 billion to \$12 billion on top of the amount of money which we have allocated. While I have deep respect for the amendment offered by the Senator from Minnesota, I think it might even be possible he does not have an expectation that we are going to have \$11 billion or \$12 billion more for this item, much as we would like to and much as the Federal commitment is there. But I think the progress has been enormous.

I make a special compliment to the senior Senator from New Hampshire, Mr. GREGG, who has been at the forefront of this item, going back to his earlier days in the House and his earlier days as Governor of New Hampshire seeing the importance of this item.

It is an item of great importance for me. We are making a lot of progress. It would be nice to do more, but I think everyone understands we are far from being able to add an additional \$10 billion, \$11 billion, \$12 billion here.

Again, for purposes of information, I will be constrained to raise a budget point of order when we take up this matter for a vote at the appropriate time.

Mr. President, let me again issue a call for amendments. Third reading may be as remote as full funding for IDEA, but it is an idea whose time may come, if not this afternoon, perhaps this evening or perhaps tomorrow morning.

AMENDMENT NO. 1552

Mr. President, I have not made any manager's comments on the amendment offered by Senator MIKULSKI and Senator COLLINS on the nursing issue. That is an item of great concern. There is a tremendous nursing shortage in the United States. The Mikulski-Collins amendment seeks to raise the funding from \$112.7 million to \$175.7 million for a \$63 million increase.

I note that there have been increases of a very substantial nature. In 2001, there was an increase of 23 percent. In 2002, there was an increase of 10.6 percent. In 2003, there was an increase of 21.6 percent. And the items are funded on a level this year. It is relevant to note that on the funding for the National Institute of Nursing Research that there has been an increase this year from \$130.5 million, approximately, to \$135.5 million, for a \$5 million increase.

I think it is also appropriate to note that we assisted the nurses in their effort to have standing to anesthesiology where we finally worked out an ar-

angement where it would be up to the Governor of each State to authorize payments, Medicaid-Medicare, to nurses who are so certified so that they did not have to necessarily be an M.D. anesthesiologist. The nursing issue is one of tremendous concern.

As I look over the Mikulski-Collins amendment for an additional \$63 million and I look over the items which we are funding in an effort to see if we couldn't make some accommodation, it is a matter of staying within our 302(b) allocation or cutting somewhere. I do not think anyone would like to cut low-income home energy assistance or community health services or Head Start or the NIH.

As we wrestle with the import of the Mikulski-Collins amendment, we are seeking a way to, if it is possible, have some offset which would enable us to find a way to increase funding for nursing. But an offset is going to require a cut somewhere, and that is the managers' responsibility to try to balance out all of the competing interests.

Mr. President, if there still is no Senator on the floor and no one has heeded my latest call to come to the floor, in the absence of any Senator seeking recognition, 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. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. DAYTON are printed in today's RECORD under "Morning Business.")

Mr. DAYTON. Also, Mr. President, I have been here this afternoon and have expressed my concern for the measures in the Federal Aviation Administration conference report.

I am not going to consume time since we are proceeding to a time of voting on some of these important education amendments, including one of my own for funding for special education. But I do want to say again that this matter, before it comes before the Senate, must be resolved, or I will have to be back here in more of an obstructionist mode than I was called upon to do today. And that would be something I would prefer to avoid and see this matter resolved in some other way. I will be working with my colleagues to see that occurs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the vote in relation to the Dorgan amendment No. 1553 occur today at 5:45; further that following that vote, the Senate vote in relation to the Dayton amendment No. 1554; provided that no amendments be in order to either amendment prior to the votes; finally, there will be 2 minutes equally divided for debate prior to the second vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, is the manager of the bill going to raise points of order on these two amendments?

Mr. SPECTER. Yes, I had previously stated that I would raise points of order.

Mr. REID. I am wondering if we might be able to accomplish that now to save a little time so we might not have to go through that later.

Mr. SPECTER. Mr. President, I would be agreeable to doing that. With respect to the Dorgan 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 is therefore not in order.

Mr. REID. I would move to waive that and ask unanimous consent that we be able to handle both of these points of order at the same time. I ask unanimous consent that it be in order to waive the two points of order en bloc. And then I would ask for the yeas and nays.

Mr. SPECTER. Mr. President, it is agreeable with me. I had intended to say that as to the Dayton amendment, I raise a point of order under section 302(f) of the Budget Act, as amended, that the amendment provides budget authority and outlays in excess of the subcommittee's 302(b) allocations under the fiscal year 2004 concurrent resolution on the budget and is not in order. And if the Senator from Nevada is saying he wants to raise two motions to waive en bloc, that is fine.

Mr. REID. That is the wish of the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it shall be in order to raise both points of order at this time.

Mr. SPECTER. Parliamentary inquiry: Obviously it is going to require two votes on the waiver of the points of order to the two amendments.

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

Mr. DAYTON. May I ask the Chair, the intent is to have the vote on the Dorgan-Inhofe amendment followed by 2 minutes equally divided between myself and whoever, followed by a vote on waiving the Budget Act on my amendment.

Mr. SPECTER. The statement by the Senator from Minnesota is accurate.

The PRESIDING OFFICER. Without objection, the motion to waive is considered made on both points of order.

Mr. SPECTER. Mr. President, I don't see any other Senator on the floor to offer an amendment.

Mr. REID. Mr. President, if the Senator will allow me to, I ask unanimous consent that it be in order that the yeas and nays be allowed on both waivers.

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

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

A TRANSPORTATION BILL

Mr. REID. Mr. President, prior to September 11, I proposed legislation called the American Marshal Plan. This legislation received the support of the National Council of Mayors and other governmental entities, recognizing that it was extremely important that our country do something about the deteriorating infrastructure. Hearings were held. We had mayors from around the country testify as to the state of the infrastructure in their cities. We were moving along very well until September 11 and then we were certainly distracted from this and many other things. We have been trying now for many months.

I am ranking member of the Subcommittee on Transportation. There is no bill more important to States—I say that without any question—every 6 years than the 6-year Transportation bill. It deals with highways, but it also importantly today deals with mass transit. I think it is a blot on this Congress that we do not have a Transportation bill. We have not even had a markup in committee. I am terribly disappointed that this is the case. We will not be able to do a highway bill this year.

It only makes sense that when we haven't had a markup in committee on a bill that is going to handle the highway and transit needs of this country for 6 years, it takes a little bit of discussion in the subcommittee, in the committee, and certainly on the floor. I would hope that the Republican leadership is at least anticipating that we will do a reasonable extension so that States around the country can at least go forward. It is better than doing no bill.

The State of Nevada is a rapidly growing State. We have tremendous highways needs, and now with the tremendous growth that has taken place in the Las Vegas and Reno areas, we have mass transit needs.

We are in the process of opening a monorail system. We are anticipating a light rail system. We have needs not only for our highways but also our mass transit. This is the way it is all over the country. It is beyond my ability to comprehend how we talk about all that we are going to do but have not mentioned the highway bill.

I am reminded of your father, the chairman of the full committee, who did a highway bill. I served on that committee. I have served on that committee since I have been in the Senate. The late great John Chafee pushed a highway bill. He was a person who was able to compromise. He understood that legislation is the art of compromise. But in this forum we are now in, it is either their way or no way. We have no bill.

I worked, when I first came here, with Senator Stafford of Vermont. He is a wonderful gentleman to whom I wrote a letter recently. I can't remember, I think it was on his 90th birthday. He was old and still very healthy. We have done a highway bill with Senator Moynihan, Senator BAUCUS. It appears we will not do a highway bill now. I think that is just bad government. I don't know how anyone can take pride in not having a highway bill. We have funding problems.

Remember, these are not taxes that we are suddenly going to assess the American people to pay for highway and transit. Every time someone goes to buy a gallon of gas for their car, they pay a tax; it goes into a trust fund. We use these trust fund moneys for these bills that come up every 6 years. People ask, Who is paying for mass transit? A decision was made many years ago that because every person we put on mass transit takes pressure off the highways, we would allocate about 20 percent of our highway funds to mass transit.

It helps our highway programs generally. All we want to do is spend the trust fund money, but this administration will not let us do that. They are afraid if we spend the money in the trust fund—it should not be a slush fund; it is a trust fund—they are afraid if we spend the money collected for the purpose of building highways, we will make the deficit look bigger. I don't know how we could make it look bigger. The deficit now is about \$500 billion, and if we add the Social Security surpluses, which are masking the deficit, it is near \$600 billion for 1 year, the largest deficit in the history of this country by far.

Also, people are trying to rewrite the endangered species act, clean air act, and historical preservation laws in a highway bill. That is not the place to do that, Mr. President.

I hope some attention will be focused on what this Senate is not doing, not passing a highway bill. If we do not do a bill at the right time, we will have problems letting construction because some States have very cold weather and they have to plan their construction needs to meet the weather of that particular State. If we fail to pass a long-term bill, it takes away all the ability of State highway engineers, managers, and State highway directors to plan ahead. The way we are able to get the most money out of the trust fund dollars is to do a 6-year bill. Doing a bill a year at a time costs a lot more money.

There are issues that are on the must-do list. I don't know the exact number of times we have voted on whether to invoke cloture on Estrada, who wants to be a circuit court judge, but I think it is seven, eight, maybe 10 times. It is a total, absolute waste of the Senate's time. A vote has not changed from the time the first vote occurred to the last one, but yet it is time the Senate is taking. Why aren't

we spending that time on the highway bill?

A lot of time is spent by the majority talking about the Senate Democrats are so hard to deal with; they are not allowing the President to have his judges. We have approved—I don't know the exact number; I think it is around 140—140, and we have not approved three. We waste so much time here on issues that do not advance the needs of this country.

The appropriations bill is an important bill. I think we have had some important discussion and debate. Tomorrow we have 11 amendments lined up to be offered on this bill. It is important we move this bill as quickly as we can. But in the process, talking about the things that we must do, I would hope people would understand the importance of a highway bill: For every billion dollars we spend on highways or infrastructure development generally, 47,000 jobs are created, high-paying jobs. That does not include the jobs that spin off from those jobs. For every one of those 47,000 people working, they are able to buy a new car, recarpet their home, buy a home, buy a TV set, and then in turn other people work.

I guess this administration is not worried about employment, which is obvious. The previous administration, the Clinton-Gore administration, created about 23,000,000 or 24,000,000 jobs. Going back to the time of Herbert Hoover, under this administration, it is the first time a President has had a net job loss, which is over 2 million jobs now. It seems to me it would be a good idea for this administration to join to do something to push a highway bill to put out billions of dollars for construction which creates hundreds of thousands of jobs.

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

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

DISCHARGE OF S.J. RES. 17

Mr. DORGAN. Mr. President, today I have submitted the requisite number of signatures in order to discharge S.J. Res. 17 in accordance with the requirements of the Congressional Review Act.

The discharge is as follows:

We the undersigned Senators, in accordance with chapter 8 of title 5, U.S. Code, hereby direct that the Senate Committee on Commerce, Science and Transportation be discharged of S.J. Res. 17, a resolution on providing for congressional disapproval of the rule submitted by the Federal Communications Commission relating to media ownership, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Byron L. Dorgan, Ted Kennedy, Kent Conrad, Ernest F. Hollings, Mark Pryor, Jon Corzine, Frank R. Lautenberg, Russell D.

Feingold, Harry Reid, Patty Murray, Barbara Boxer, Ron Wyden, Richard J. Durbin, Debbie Stabenow, Blanche L. Lincoln, Dianne Feinstein, Susan Collins, H. R. Clinton, Bill Nelson, Charles E. Schumer, Tom Carper, Olympia Snowe, Wayne Allard, Olympia Snowe, Saxby Chambliss, Ben Nighthorse Campbell, Tom Daschle, Max Baucus, Paul Sarbanes, Jack Reed, Trent Lott, Joe Lieberman, Mary Landrieu, Kay Bailey Hutchison, John Kerry, and Jay Rockefeller IV.

Mr. DORGAN. 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. REID. 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. 1553

The question occurs on the motion to waive. The point of order is made under section 504 of H. Con. Res. 95.

The yeas and nays have been ordered. The Senator from North Dakota.

Mr. DORGAN. Was it in order to have 1 minute of debate prior to the rollcall vote?

The PRESIDING OFFICER. The Senator is correct.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, the manager of the bill, the Senator from Pennsylvania, has made a point of order against my amendment, which I think is curious. I made the point that the same point of order, I expect, would lie against the entire bill. The Senator from Pennsylvania asked the Chair that question, and the Chair said yes, both my amendment and the underlying bill have the identical defect.

I think it is interesting that then a point of order is made against this amendment. The amendment I am offering is a bipartisan amendment with Senator INHOFE from Oklahoma. It provides \$187 million in restoration of funding to the impact aid program.

This is about kids. It is about helping kids and helping schools educate kids. This is money that is owed to these school districts. Even with this amendment, we will fund only two-thirds of what we promised we would do back in 1950.

Again, I make the curious point that a point of order has been made against this amendment, so we will have a vote on waiving the point of order. It is exactly the same point of order that I understand exists against the underlying bill, because Senator INHOFE and I used exactly the same mechanism to pay for this amendment as did the folks who constructed this subcommittee bill.

I ask that my colleagues join me in waiving the point of order.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I believe the opposition has spoken previously. I yield back all time and ask for the recorded vote to proceed.

The PRESIDING OFFICER. 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 Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), 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 53, nays 43, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—53

Akaka	Dodd	Lautenberg
Allen	Dole	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Bennett	Edwards	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Hagel	Nelson (NE)
Breaux	Harkin	Pryor
Bunning	Hatch	Reed
Byrd	Hollings	Reid
Campbell	Hutchison	Rockefeller
Cantwell	Inhofe	Sarbanes
Clinton	Inouye	Schumer
Conrad	Jeffords	Stabenow
Corzine	Johnson	Warner
Daschle	Kohl	Wyden
Dayton	Landrieu	

NAYS—43

Alexander	Domenici	Nickles
Allard	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Fitzgerald	Sessions
Burns	Frist	Shelby
Carper	Graham (SC)	Smith
Chafee	Grassley	Snowe
Chambliss	Gregg	Specter
Cochran	Kyl	Stevens
Coleman	Lott	Sununu
Collins	Lugar	Talent
Cornyn	McCain	Thomas
Craig	McConnell	Voinovich
Crapo	Miller	
DeWine	Murkowski	

NOT VOTING—4

Graham (FL)	Kerry
Kennedy	Lieberman

The PRESIDING OFFICER (Mr. ALEXANDER). On this vote, the yeas are 53, 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. FRIST. Mr. President, for the information of our colleagues, the next vote will be the final vote tonight. I encourage Members who have amendments to offer those tonight so we can begin voting in the morning. But the next vote will be the last vote for tonight. Please talk to the managers and come forward to offer your amendments as soon as you can.

Mr. SARBANES. Mr. President, will the leader yield for a question? What time does he expect the vote in the morning?

Mr. FRIST. There has been no time set for a vote in the morning.

AMENDMENT NO. 1554

The PRESIDING OFFICER. There are now 2 minutes evenly divided prior to the vote on the Dayton amendment.

Mr. DAYTON. Mr. President, my amendment increases funding for IDEA part B by \$11.8467 billion for fiscal year 2004, which is the amount the Congressional Budget Office has determined is necessary to bring Federal funding up to the 40-percent level that was promised 27 years ago. The funding being allocated for fiscal year 2004 would provide 18.8 percent, or less than half of that 40 percent promised over a quarter century ago.

President Bush deserves credit for increasing the funding for IDEA in each of his three budgets. The Senate deserves credit, along with President Bush, for increasing that funding. But the fact remains that we are still less than half of what was promised 27 years ago. I know for my State of Minnesota that is money that is desperately needed not only for better special education but for better quality education for all schoolchildren because money has to be diverted from regular programs over to special education. This is money we can find.

I propose that the budget point of order be waived, and I thank the Chair.

Mr. SPECTER. Mr. President, I ask that the Senate be in order so that I can make an argument in opposition to this motion to waive.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. Mr. President, we would always like to have more money for virtually every line on this appropriations bill. There has been an enormous increase in funding for special education—last year, \$1.3 trillion; the year before, \$1.2 trillion; this year, an increase of \$650 million. On a 10-year period, we have practically a 400-percent increase.

There has been enormous progress made from 1996 when the Federal share for students was 7.3 percent. Now we are almost at 19 percent, almost at half of the 40-percent goal. While we would like to have additional funding, it would cost about \$11 billion more to adopt the amendment and waive the Budget Act.

I do so reluctantly but emphatically.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the point of order made under section 302(f) of the Congressional Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), 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. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—42

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

NAYS—54

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

NOT VOTING—4

Graham (FL)	Kerry
Kennedy	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. 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.

The Senator from Illinois is recognized.

AMENDMENT NO. 1543

Mr. DURBIN. Mr. President, it is my understanding that one of the underlying amendments is the amendment offered by Senator ROBERT BYRD of West Virginia.

During the August recess, I visited many of my State's cities and home school districts, stopping in to meet with principals, teachers, parents, and students to talk about the state of education in Illinois. We have many fine schools, there is no question about it. But we are also being challenged by the fact that we face a sizable State deficit. This year our Governor, Rod Blagojevich, had to find \$5 billion in savings out of our State budget, a substantial amount, making cuts in many areas. He tried his best not to cut into State funding for education. Despite his best efforts and the efforts of the general assembly, most of the school districts I visited are facing serious hardships.

Let me give one illustration. In Elgin, IL, they recently constructed four new school buildings that were to be opened this year. But because the Elgin School District has fallen so far behind in State and local assistance, they will be unable to open those buildings. So there sit four brand new schools which don't have the staffing

and certainly don't offer better amenities than the older schools offered; they just cannot be opened. It is an indication of the problems faced by many school districts in my State and across the Nation.

When President Bush was elected, he came to Congress and said he wanted to be the education President. He suggested that we try a bipartisan national approach to establishing better standards of accountability for education across America. The President proposed No Child Left Behind. It was a unique concept, one which called for regular testing of students to determine whether they were making progress and, absent that progress, changes would have to take place in the school district. You would have to find better teachers or a better school environment, principals who were more efficient in delivering educational quality, and certainly demands would be made for better teachers. All of these objectives were very positive.

I sat on the Senate floor and behind me at this seat was Senator Paul Wellstone of Minnesota. Paul had a passion for education, a teacher by his own profession. He was a great critic of No Child Left Behind. Despite the fact that there was strong bipartisan support for the President's program, Paul Wellstone would stand there with his microphone day after day and speak to the Senate and the people watching across America and say: Listen, tests are important, but education is about more than just testing. He would say, incidentally, if you pass the President's bill, you are going to have to come up with the money to make certain these kids have a chance. If the scores don't meet the norms or standards you expect, what are you going to do? Are you going to help them or merely diagnose the problem and walk away from it? He was skeptical that when the time came, we in the Congress would appropriate the money to make No Child Left Behind work.

That was Paul Wellstone's speech day after day, week after week, month after month. Ultimately, he voted against the bill. I voted for it, but I remembered what he said. Then I went back to Illinois and visited school district, large and small, rural and urban, districts in growing areas of our State and districts in economically depressed areas of our State. I found that many of them were echoing what Paul Wellstone said in opposing No Child Left Behind. They were talking about the burden on a teacher who comes to a classroom at the beginning of the school year realizing that teacher will ultimately be tested in a high-stakes test at the end of the year. What that test meant to the students, to the school, and to the teacher was that in order to get good grades on the test, teachers were kind of changing the way they taught. They were no longer teaching in a creative and innovative fashion, but they were focusing on answers to the test questions. School ad-

ministrators, incidentally, said: Senator, we are a little concerned that the promises made by the Bush administration to send money to school districts to meet the mandates of No Child Left Behind are not going to be fulfilled. The promised money that was to come down to the school districts under title I, which is money to help reach the students who are not doing well on tests and help them to reach grade level and to succeed, the title I funds promised by the Bush administration under No Child Left Behind, is not going to be there. That is the money that is supposed to be there for after-school programs, so that some of these same students running into difficulties would have a helping hand after school; and summer school programs for the same purpose are not going to be funded under the Bush budget.

The same school administrators in Illinois said, incidentally, this idea of making certain that teachers meet certain levels of qualifications and certification is a good idea, but it takes money to reach those goals, to send some of these teachers back for additional college classes in science, math, or whatever their specialty might be. There is no money for the school district to deal with that.

So I heard the story over and over. It came to my mind that Paul Wellstone was right; No Child Left Behind was a great promise, but it is an unfulfilled promise because when the budget was delivered to us, unfortunately, the money wasn't delivered with it. Title I, which would help the No Child Left Behind Program, is underfunded by more than \$6 billion in the Senate bill we are considering on the floor. Six million kids across America are at risk of not meeting the standards if we don't come to the rescue with the amendment by the Senator from West Virginia, Senator BYRD. In my State, it would add \$255 million in title I funding to help more than 740,000 low-income kids meet the standards we imposed—Federal standards we mandated under No Child Left Behind that were mandated, but the program was not funded.

Over the last decade, the enrollment of low-income students in Illinois public schools has increased from 32 percent to more than 37 percent.

Districts across the State are really trying to comply with No Child Left Behind standards, but they need the full amount of the funds promised to be sent to these school districts, as well as the full mandate of the Federal law.

Illinois has done a number of school funding studies, and every one of them shows definitively that it will take much more money to help kids become proficient in reading and math. It stands to reason. If you have a child struggling to learn to read, that child needs more personal attention. But if you have a large classroom with 30 kids or more, the likelihood of personal attention is diminished. So if you do not send the funds to the school district for smaller class sizes, that child who is

going to face the reading test has less of a chance of succeeding.

The State superintendent in Illinois testified this winter before the Illinois House Appropriations Committee that it will take even more funding to help low-income and non-English speaking students to keep pace with their peers academically.

Our State superintendent, Dr. Robert Schiller, also stated:

Based on current trends, Illinois will fall short of meeting the Federal goal, set forth in No Child Left Behind, of all children meeting or exceeding reading and math standards by 2014.

Thirty-seven percent of Illinois students fail to meet State reading and math standards.

As is the trend nationally, Illinois has significant gaps between white and minority student achievement and between low-income students and their more affluent peers.

Last month, the Illinois State Board of Education released its early warning list of school districts required to provide school choice, supplemental tutoring, or take corrective action this school year. More than 500 schools in my State are on the list, and the number might go up by the end of the month when the final calculations are made.

Compared to other States, Illinois has been pretty lucky as far as education funding at the State level. For this next fiscal year, which started in July, the State was able to increase per pupil and categorical funding to keep school districts on the road to improvement. But beneath the surface, the Illinois State Board of Education and our local school districts are struggling to implement the requirements of the federally mandated No Child Left Behind.

District budgets are straining under these unfunded requirements addressed by the Byrd amendment. How many Senators in this Chamber stood up with great pride and said we are voting for No Child Left Behind because we believe in accountability, education is the highest priority in our country, and we need to be there for our kids and their families? All of us who voted for the bill gave that speech.

Look what happened when the Bush budget came down. The money was not there—a \$6 billion shortfall in money needed in schools across America.

We sent out all these wonderful speeches out to be printed in newspapers, and we posed for pictures with students and teachers. But months later, when it comes to funding the bill we passed, the Bush administration refuses to put the money down and this Congress followed suit and put together the bill before us today which also fails to keep that promise. This title I money was supposed to be the pool of resources from which districts would implement school improvement provisions necessary to meet adequate yearly progress. Districts now have to use State and local funds to try to reach those goals.

Despite an overall increase for K–12 education, more than \$30 million in cuts and reallocations were made at the State level in my State this year. This includes a significant reduction in the number of State board employees, the elimination of State gifted education programs, the elimination of the State family literacy initiative, and the statewide math education initiative.

While Illinois has been successful in keeping budget cuts out of the classroom, that may not be the case if our State remains in its current financial straits.

The impact of the Federal Government's failure to fund title I as we promised is more deeply felt at the school district level where the financial picture is bleaker.

Across Illinois, school districts are laying off teachers, cutting programs, and reducing the hours of operation. Sixty-one percent of our school districts are operating with deficits, and here we have a Federal mandate from the Bush administration under No Child Left Behind that imposes new responsibilities on these school districts operating in a deficit and fails to fund the program.

Many of these school districts have had deficits for several years in a row. This number is expected to rise about 80 percent next year. This spring, 62 percent of local bond proposals failed, and 55 percent of local tax referenda failed. Those are hard to pass in good times. In a recession, they are particularly difficult to pass. And we had a recession which began before this President came to office by a few months and which has continued unabated ever since.

Our State unemployment rate is about 6.6 percent in Illinois. We have lost 120,000 manufacturing jobs while President Bush has been in office, and those numbers are duplicated across America. There is little wonder taxpayers resist the idea of increasing their property taxes at a time when we are facing this recession.

In many areas of our State, local revenue increases have been less than 5 percent because they are limited by tax caps. When local resources cannot be increased, it makes title I money even more important to these cash-strapped school districts.

For example, in my hometown of Springfield, Public School District 186 has 36 elementary schools, middle schools, and high schools. Just over 15,000 kids attend school in that district. Springfield has had financial challenges over the last several years and has cut more than \$30 million from the district budget in the wake of the failed tax referendum. This year, six Springfield elementary schools failed to make adequate yearly progress, and they must offer public school choice. Springfield needs every title I dollar the district can get to improve student achievement and get the schools moving forward making progress.

What would Springfield do with the money? I asked the superintendent, Dr. Dianne Rutledge. She said, with more Federal funding, if Washington kept its promise to send money for No Child Left Behind, this is what they would do with it. She would hire additional teachers to reduce class sizes, and that on its face is a good idea. I have yet to meet a teacher who has prayed for a larger class. They want smaller classes so they can focus more attention on students who need help and even more attention on students who are gifted who, with additional time, can do extraordinary things.

She would also operate reading recovery, and hire a school improvement coach for each school to provide intensive and personalized year-round professional development to teachers and staff.

If the Senate fails to adopt the Byrd amendment, there will be less money for Springfield. They will not be able to hire the teachers, and fewer kids will have tutors.

Let's look at a larger school district in my State, the Chicago public school system. They educate more than 438,000 kids in K–12 in 602 schools.

Eighty-five percent of the children in Chicago public schools are defined as living in poverty. Roughly 90 percent are minority.

The Chicago public school system is, in many ways, the poster district for setting high academic standards and adopting an aggressive program for school improvement. Ten years ago, 48 percent of Chicago's schoolchildren were performing in the bottom quarter of national achievement in reading and math. Today that number has been cut in half, first by Paul Vallis, who came in under the direction of Mayor Daley and brought real reform to the Chicago public school system, and then followed by Arne Duncan, our current CEO of Chicago public schools, an extraordinary educator who is doing a great job. He reported last week for the first time that number has been cut in half, and Chicago public schools are performing above the Nation as a whole. That is an amazing achievement in a district that diverse with so many challenges.

Despite the Chicago public school system's dramatic recovery over the last decade, 365 of its 602 schools have been labeled as failing to make yearly adequate progress. That is more than half.

The Chicago public schools' budget increased this year over last. The district has managed to avoid drastic cuts. Most of the increased funds are committed to certain projects, and several of the initiatives are specifically to comply with Federal requirements.

To comply with the highly qualified teachers mandate in No Child Left Behind, Chicago public schools has just completed work on a brandnew \$2 million database to track the qualifications of each of their 25,000 teachers. The Chicago public school system is

likely to have to create a similar system to track the qualifications of thousands of paraprofessionals.

Complying with the Federal mandates of President Bush's No Child Left Behind has led to some terrible challenges for this major city school district. The Chicago public school system wants to invest title I dollars in after-school, summer school, and extended week programs. It is required to use a large portion of its limited Federal resources to move kids from schools that are failing to other schools.

What would the Chicago school system do with the money in the Byrd amendment? We asked the finance director, John Maiorca. He would expand afterschool and summer school opportunities for students at risk in failing the test. He would invest in supplemental education services and additional tutoring for these struggling students, and hire additional teachers to reduce class size.

Two days ago, I was at the opening of the schools in Chicago. I went to a school on the west side known as Dodge Academy. Dodge Academy closed 2 years ago because it was a failing school, but there was a promise made that it would improve and reopen. It has, and it is an exceptionally good school.

One can tell, walking in the door, that this is a school that is destined to succeed. Not only do they have a wonderful, bright, and remodeled building because of a lot of hard work by the local school district but they also have some of the brightest teachers. They are a school that is trying a new concept, under the leadership of Mike Koldyke, that is going to bring to each of these classrooms two resident teachers. So for a year they are going to have teachers in residence who are training to become teachers, working with veteran teachers, and then they will move these newly qualified teachers with experience to the failing schools in the Chicago public school systems and try to turn them around. It is a great model. It works in hospitals. It can certainly work in schools. But it costs money.

The money from title I, which would be part of No Child Left Behind had the Bush administration and this bill adequately funded it, could have been used for that purpose, but it is not there. With the Byrd amendment, it would be there, and so the Chicago public school system would have that opportunity.

So right now we are dealing with the broken promises of No Child Left Behind, unfunded mandates at a time when school districts in Illinois and across America are struggling to survive. How can we, in good conscience, impose these ideas and mandates on the school districts, as good as they may be, and then refuse to pay for them?

Senator BYRD really is calling to task all of us who voted on No Child Left Behind, those of us who stood so proudly by this bill and said this is the

answer to America's education needs. The question now is: Will we produce the money it takes to make this succeed? Quite honestly, if the Byrd amendment fails, the answer is no.

Many of the same people who took great pride in saying they co-authored this program, cosponsored it, and voted for it, will turn around and vote against the funding for the mandates they are creating in school districts across America. These are unfunded mandates in the middle of a recession, at a time of State deficits, when schools are struggling to survive, unfunded mandates from the Bush administration in No Child Left Behind.

The only thing the Bush administration guarantees it will pay for is the test. So the test will be administered but any effort to improve the scores of students will be hampered, hindered with additional obstacles because of the refusal of this Congress to appropriate the adequate funds. We need to make certain that the \$6 billion shortfall in title I in No Child Left Behind is a shortfall that is filled, and filled soon.

I rise in support of the Byrd amendment, commend Senator BYRD for his leadership, and urge all of my colleagues to put their money where their press release was. It is not just a matter of taking credit for a program. Stand up now and appropriate the funds to make it work in Philadelphia, in Iowa, in Chicago, all across America. I yield the floor.

Mr. NICKLES. Mr. President, the Labor, HHS, Education appropriations bill for Fiscal Year 2004 provides \$137.6 billion in discretionary budget authority and \$134.9 billion in discretionary outlays for the Departments of Labor, Health and Human Services, and Education, and related agencies. These amounts are both precisely at the subcommittee's 302(b) allocation. This is an increase of 2.3 percent in discretionary budget authority and 6.8 percent in discretionary outlays above the 2003 enacted levels.

Including mandatory spending, the bill provides a total of \$370.7 billion in new budget authority and \$294.6 billion in new outlays in Fiscal Year 2004. With outlays from prior years and other completed actions, the Senate bill totals \$456.4 billion in budget authority and \$453.6 billion in outlays.

The committee-reported bill also shifts \$2.2 billion in 2004 advance appropriations back to fiscal year 2003, pursuant to an agreement with the administration. These advance appropriations were originally provided in the 2003 omnibus appropriations bill to avoid circumventing the 2003 spending limits, an action which the President previously objected to when he signed that legislation.

The purpose of this shift is to allow for \$2.2 billion in additional nondefense discretionary spending in 2004 without exceeding the budget resolution's discretionary spending limit. However, since the budget resolution set forth

discretionary spending limits for fiscal years 2003, 2004, and 2005, this shift causes the committee-reported bill to exceed the 2003 spending cap by \$2.2 billion. Thus, a point of order lies against the bill which may be waived with 60 votes.

Finally, it is also important to note that the bill which effectuates the advance appropriations shift must be signed into law before the beginning of the new fiscal year on October 1, 2003, in order for it to count for budget scoring purposes.

Mr. President I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1356, LABOR-HHS APPROPRIATIONS, 2004 SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, in millions of dollars)

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	137,601	318,766	456,367
Outlays	134,932	318,694	453,626
Senate committee allocation:			
Budget authority	137,601	318,766	456,367
Outlays	134,932	318,694	453,626
2003 level:			
Budget authority	134,476	289,398	423,874
Outlays	126,286	289,341	415,627
President's request			
Budget authority	137,587	318,766	456,353
Outlays	133,708	318,694	452,402
House-passed bill:			
Budget authority	138,036	318,766	456,802
Outlays	134,765	318,694	453,459
SENATE-REPORTED BILL COMPARED TO			
Senate 302(b) allocation:			
Budget authority .....	.....	.....	.....
Outlays .....	.....	.....	.....
2003 level:			
Budget authority	3,125	29,368	32,493
Outlays	8,646	29,353	37,999
President's request			
Budget authority	14	.....	14
Outlays	1,224	.....	1,224
House-passed bill:			
Budget authority	(453)	.....	(453)
Outlays	167	.....	167

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

S. 1356, LABOR-HHS APPROPRIATIONS, 2004 SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2003, in millions of dollars)

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	134,476	289,398	423,874
Outlays	126,286	289,341	415,627
Senate committee allocation:			
Budget authority	132,232	289,398	421,630
Outlays	126,286	289,341	415,627
SENATE-REPORTED BILL COMPARED TO			
Senate allocation:			
Budget authority	2,244	.....	2,244
Outlays .....	.....	.....	.....

¹ H. Con. Res. 95, the 2004 Budget Resolution, set out budgetary aggregates not only for 2004, but for 2003 as well. As a result, the joint statement of the conference committee on H. Con. Res. 95 (page 130 of H. Rpt. 108-71) included the allocations that are required by law (section 302 of the Congressional Budget Act) for 2003 to the Committee on Appropriations.

That allocation exactly reflects CBO's latest estimate of all regular appropriations enacted for 2003, as well as the Emergency Wartime Supplemental Appropriations Act of 2003 (P.L. 108-11). The above allocation to the Labor, HHS subcommittee reflects CBO's FY 2003 current status for that subcommittee.

The Committee on Appropriations has yet to file 302(b) allocations for 2003 and, therefore, pursuant to the Congressional Budget Act, there is a 60-vote, 302(c) point of order against the bill.

In addition, pursuant to Section 504(b) of H. Con. Res. 95, a point of order lies against the bill for exceeding the 2003 discretionary spending limits in Section 504(a) of H. Con. Res. 95.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

THE ECONOMY IS PICKING UP

Mr. ALEXANDER. Mr. President, my purpose tonight is to say a few words about a 10-day visit to Africa that the Presiding Officer, and I, and four other Members of the Senate completed last Friday. But I listened with great interest to the distinguished Senator from Illinois. I did not want him to leave on such a sad note about the economy, and I thought I would give him some late-breaking news.

The Wall Street Journal today has a headline: "Manufacturing Expanded In August."

The manufacturing sector expanded for the second consecutive month in August, providing further evidence that the economy's hardest-hit sector may finally be on the rebound.

I thought it would be important that the Senator have that in mind because we are all deeply concerned about the number of Americans who are looking for jobs and do not have them.

The President talked about that on Labor Day. Every one of us, Republican and Democrat, feel that way. This is a piece of good news.

The Wall Street Journal said today:

The Institute for Supply Management said its monthly survey of manufacturing conditions rose to 54.7 from 51.8 in July. A result above 50 generally indicates expansion. Many key segments of the report, meanwhile, showed similar strength, including components that measure new orders for manufactured goods and overall production. The results came on the heels of other-positive manufacturing news in recent weeks. . . .

Now, this is the Wall Street Journal, not the White House talking, including the Federal report last week that showed new orders for durable goods or items built in the last 3 years or longer, so they rose 1 percent in July.

Now, obviously we are all concerned about manufacturing jobs disappearing. They have been disappearing for a long time. I remember when the Saturn plant moved to Tennessee in the mid-1980s. It hired 5,000 people. If it had done that 30 years ago and built the same number of cars, it would have needed to hire 30,000 people.

So while manufacturing is up, manufacturing employment is still down and is a source of great concern to all of us. I thought that piece of good news might be interesting to the Senator from Illinois and others tonight.

EDUCATION FUNDING

Mr. ALEXANDER. I wish to comment very briefly on education, which we are debating, and the Senator spoke eloquently about it. I was Governor of

my State. I was U.S. Secretary of Education for awhile. The facts are basically these: Federal funding for education has been consistently up, under Democrats and under Republicans.

It must be confusing to people who hear us debate in the Senate because it sounds as though we are reading off completely different history books. The fact is, it is up, and State funding is either down or level.

It is important for teachers, principals, and others in their communities to know that the real pressure they are feeling is not from Federal dollars, which are up, but from State dollars, which are level or down. The Federal Government funds about 7 percent. Seven cents out of every dollar that goes for elementary and secondary education in America comes from the Congress. Ninety-three cents out of every dollar comes from the States or local government. So that is the real problem.

The Congress recognized that this year by appropriating a large amount of money for the States. I think it was \$20 billion that we sent to the States on a one-time basis. For Tennessee, it was about \$400 million. That is a lot of money for us. Our State used that, half of it in the rainy day fund and half of it in Medicaid. That took a little pressure off Medicaid. That helped education.

So it is important for people to know that in all of this debate, Federal funding is up. I, for one, want to look at Leave No Child Behind this year and next year, its first 2 years of operation. I was not here when it passed. I was not here to vote for it as the Senator from Illinois said he did. If it turns out after a year or two of operation that it is indeed a federally unfunded mandate, then I am going to be one of those Senators who wants to add money to fix that problem.

I spent a lot of time as a Governor saying do not send me a rule without money. I do not think it is good to leave the impression that somehow the Federal Government is not funding education. We only fund 7 percent of elementary and secondary education, and that funding is up. It is the States that are having problems, and States have a variety of options for dealing with that.

Many States have cut taxes over the last 10 years. That is a good policy if it can be done, but if it is done, it comes right out of education usually.

HIV/AIDS IN AFRICA

Mr. ALEXANDER. My purpose this evening is very briefly to make a few comments about the visit to four countries in Africa that six Members of this body took during the last 2 weeks of August. The delegation was led by the majority leader, Senator BILL FRIST of Tennessee. It included the distinguished Presiding Officer, the Senator from Minnesota. I was there and three others. We visited four countries:

South Africa, Mozambique, Botswana, and Namibia. It was an eye-opening and, for me, an eye-popping experience in many cases.

I have the privilege of serving as the chairman of the Subcommittee on African Affairs, so I am very interested in Africa. It was my second visit there in the last 3 years. Before I make a few comments about it, I want to simply observe how much we owe Senator FRIST, our majority leader, for teaching us a great deal not just about Africa but about the HIV/AIDS problem which was the subject of our visit to Africa.

Senator FRIST has been there a long time. When nobody else much was talking about HIV/AIDS, he was. He helped change some very important minds in this body. He has been an important adviser to the President of the United States and is an inspiration to us. When we left to come home after 10 days, he stayed for 5 days, went to Kenya and Sudan, and operated on people who have very little medical care, which he has done every year. We owe him a lot for his leadership on the subject.

Within a few weeks, the Congress will be considering the nomination of Randall Tobias to be the new AIDS czar, the person in charge of what we are going to try to do. Also, Congress will almost surely fund President Bush's recommendation that we spend \$15 billion in 14 African and Caribbean countries to fight the disease which we call HIV/AIDS. It will be my purpose in our subcommittee and as a member of the Foreign Relations Committee and the Health, Education, Labor, and Pensions Committee, to make sure this taxpayer money, the largest public health expenditure ever, will be spent wisely. This evening, in summary fashion, while it is still fresh in my mind, I will make a few suggestions to Mr. Tobias, who is not yet confirmed by the Senate. I hope he will be. I know in this quiet time he is not allowed to do anything or say anything out of respect for the Senate, and it is a good time for him to make a plan for a fast start. If I were to make a plan for a fast start for Mr. Tobias, President Bush's designated AIDS czar, to be considered for confirmation by this body shortly, these would be my suggestions:

No. 1, I suggest Mr. Tobias go to Africa. I don't see how it is possible to understand the enormity of the disease if you do not go to Africa. The disease has delivered a death sentence to 29 million Africans, a number so large that it is hard to imagine. Go to Africa in order to make good spending decisions. Go to Africa in order to cut red tape. A commander of a major battle should be where the action is. While there, show some respect for the African way. We are very proud of the American way; the Africans are proud of their way. It is a little different.

When in Namibia, where we were, I suggest you play the Namibian national anthem and leave it to the local