

Senate will now resume consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Gramm amendment No. 2055 (to amend No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Hampshire is recognized to offer an amendment, on which there shall be 60 minutes debate to be equally divided.

AMENDMENT NO. 2056

Mr. GREGG. Mr. President, I appreciate the courtesy of the two managers of the bill in setting up a timeframe for this amendment.

We have discussed this issue innumerable times in this Chamber. This is the issue of whether or not we are going to fund, at the expense of low-income children, school construction. The amendment is very simple. It takes money which is not authorized—in fact, the dollars which are being spent under this school construction account, that authorization was rejected by this Congress, by this Senate on innumerable occasions—it takes the money which is being spent under this appropriations bill, which is therefore not authorized, and moves it into the authorized account of the title I targeted formula, the targeted formula being that formula which benefits low-income children in this country.

The purpose of funding under the Federal education initiatives has basically two goals. Our primary responsibility as a Federal Government involves two basic areas in elementary and secondary school education. The first is special education funding, IDEA funding.

I congratulate this committee and Senator HARKIN and Senator SPECTER for the tremendous job they have done in the area of funding special education. They have added over \$1 billion in the special education accounts. That is very appropriate.

The second primary purpose authorized by the Federal Government and chosen by us as a Congress as to where we were going to focus Federal attention is in helping low-income children be more competitive in their school systems and have an opportunity to succeed along with kids who do not come from low-income families. Thus, we have put an exceptional commitment of resources into those accounts.

Unfortunately, it is a formula which was put in place 6 years ago to target the Federal money for kids who come from low-income backgrounds. It has never been adequately funded—in fact, was never funded at all until this bill. Instead, we have peeled dollar after dollar off for other programmatic activity, which is not the primary thrust of the Federal effort.

Specifically, in the area of school construction, which we have rejected as a purpose of Federal responsibility, it being traditionally the responsibility of the States and the local communities to make the decisions as to what school construction should occur, we have now put in this bill \$925 million for this program of school construction which is not authorized. We have essentially taken that \$925 million away from the title I children—the low-income kids. We have taken it away from the targeted funding formula.

My amendment very simply takes the unauthorized construction money and moves it back to the authorized new targeted title I formula so that low-income children will get the dollars and the support from the Federal Government.

The practical implications of this for each State are reflected in a chart which is going to be made available to every Member of the Senate, which I hope they will take the time to review. It shows that every State is essentially a winner under this amendment. The new targeted formula, when initially funded by the \$925 million, significantly increases the money under title I that flows to low-income kids for every State.

What is happening under the school construction money? It doesn't go to low-income children. It can go to rich districts. It can go to poor districts. It can go anywhere you want in the school system. It can also go, for example, for the purposes of school safety, which makes it not only unauthorized under this bill but duplicative of the money we already put into the system for school safety in the Commerce-State-Justice bill.

We are spending \$925 million for bricks and mortar. That was a program rejected by both the Senate and the House. It does not have any strong component of poverty in it. This basically can be a welfare-to-rich-district funding mechanism. It is being done at the expense of low-income kids.

We know for a fact that our low-income children simply aren't getting what they need out of the school system. We are about to reauthorize the ESEA bill in an attempt to do a better job with the dollars that are directed to low-income schools. But we know, regrettably, that 70 percent of the children in high-poverty schools score below the most basic levels in reading; that two out of three African-American

and Hispanic fourth graders can barely read; in math in high-poverty schools, they remain two grade levels behind their peers; in reading, they are three to four grade levels behind their peers; that half the students in our urban school districts don't graduate at all.

It makes no sense, when we are supposed to be funding a formula targeted for low-income kids who obviously need more support as reflected by those statistics, that we end up instead funding a bricks-and-mortar program that can go to high-end school districts and which is not authorized and which is duplicative of at least three other major programs we have at the Federal level that are authorized and that are funded.

The result of my amendment is essentially this. A State such as Louisiana—I see the Senator from Louisiana in the Chamber—would receive a 21-percent increase as a result of this amendment in their title I count. It would be targeted. A State such as California would receive a 37-percent increase. It would be targeted to the low-income poverty districts and students.

When we pass the ESEA bill on which we reached agreement in conference, we will give those low-income districts strong, new tools to help those kids in those districts catch up with their peers. But those tools will only work if there are dollars to support them.

This amendment goes a long way down the road to accomplishing the goal of getting the dollars where the Federal Government has set the priorities, the dollars to the low-income child instead of to some sort of grandiose bricks-and-mortar program that may not benefit the low-income child at all.

That is the concept of this amendment. It is really pretty simple. It takes \$925 million out of a program which has been on two different occasions rejected by this Senate, the school construction program, and moves it to the new targeted formula for low-income kids under title I.

I hope everybody here will review how their State benefits from this in their title I accounts.

AMENDMENT NO. 2056

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. DEWINE, proposes an amendment numbered 2056.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for targeted grants under the Elementary and Secondary Education Act of 1965)

Beginning on page 54, strike line 19 through "and renovation:" on line 14, page 57, and insert the following:

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, \$12,804,900,000, of which \$5,029,200,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which \$6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003: *Provided*, That \$7,398,721,000 shall be available for basic grants under section 1124: *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,364,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than the greater of 95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001: *Provided further*, That notwithstanding any other provision of law, grant awards under 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002: *Provided further*, That \$1,437,279,000 shall be available for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6335).

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, \$1,130,500,000, of which \$954,000,000 shall be for basic support payments under section 8003(b), \$50,000,000 shall be for payments for children with disabilities under section 8003(d), \$68,000,000 shall be for formula grants for construction under section 8007(a), \$50,500,000 shall be for Federal property payments under section 8002, and \$8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); and the Civil Rights Act of 1964; \$7,792,014,000, of which \$240,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which \$1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003: *Provided*, That \$28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive Regional Assistance Centers:

On page 69, strike lines 14 through "2002" on line 6, page 73.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. GREGG. Will the Senator yield?

Ms. LANDRIEU. Yes.

Mr. GREGG. I wonder if the Senator is speaking to my amendment or her amendment.

Ms. LANDRIEU. I will speak, unfortunately, against the amendment of the Senator from New Hampshire.

Mr. GREGG. I presume the Senator is taking her time.

Ms. LANDRIEU. I will take the time from my side.

Mr. GREGG. I thank the Senator.

The ACTING PRESIDENT pro tempore. Does the Senator from Iowa yield time to the Senator from Louisiana?

Mr. HARKIN. Yes. I yield such time as the Senator desires.

Ms. LANDRIEU. Mr. President, I find myself in an unusual and awkward position because I normally come to the floor to support the amendments of the Senator from New Hampshire and to support his great efforts and his leadership in reforming education. He truly has been a clarion voice to lead us in many of the ways we really need to go in this country. His commitment is really exemplary. I find myself in an awkward position to oppose the amendment he has offered on a couple of very valid grounds.

One is, while in a bipartisan way we certainly have supported, along with the President, targeting our dollars more carefully so that the Federal dollars actually bolster the reform efforts at the State level by helping Governors and mayors and school board members who are on the front lines who are trying to reform education, we have attempted this year for the first time—which is a pretty extraordinary victory we are about to achieve—to target more of our Federal dollars to reach those Governors, to reach those school boards, and to reach those mayors who are struggling to rebuild their systems. So the Senator is correct when he speaks about the need to target.

Senator HARKIN and Senator SPECTER have done a magnificent job on this great piece of legislation to accomplish many of these new goals. The underlying bill indeed does that. For the first time, we will be laying down \$1 billion through the targeting grants to help close the gap between those counties, and parishes in Louisiana, that have greater capacity to fund their schools and those counties and parishes

that have less capacity. That is clearly one role where there is virtually no disagreement that the Federal Government should fill: to be actively engaged in leveling the playing field between the richer and the poorer districts. That is the American way. That is what the underlying bill does.

I understand Senator GREGG is saying: Let's not put any money in school construction; let's take that money and add it to targeting. I would normally be supportive of that because many of us have been leading the fight for targeting. But as important as it is for teachers to be given new tools, and for us to support these reform efforts, children cannot learn without the right physical facilities. It is very important.

They do not need palaces such as this one or Taj Mahals, but they do need warmth in the wintertime. They do need to have fresh air in hot summers. They do need to be able to walk in safety in schools and not have inadequate windows or light fixtures or be in buildings that make it impossible to learn. They do need to have electrical systems in their buildings so they can install their computers and get on line and have other high-tech tools of learning.

I do not have to explain to the Presiding Officer or to many Members in this Chamber how deficient our schools are. So let's not move money from one very important program, which is school construction, to targeting. That is why I will have to oppose the amendment of the Senator from New Hampshire.

We can do the school construction funding so that we can help build our schools and give our children the kind of physical facilities they need to meet these new goals and standards.

This is not the time to stop job creation in America. Let me repeat, this is not the time to stop job creation in America. Millions of people are out of work because of the September 11 attacks and subsequent attacks because of their effect on our economy.

One billion dollars under Senator HARKIN's and Senator SPECTER's amendment—of which there is the attempt to move—will put 24,000 people who live in Georgia, in Louisiana, in Iowa, and in New Hampshire to work.

One billion dollars spent on school construction will employ 24,000 people. Believe me, there are people in all of our States who want the Federal Government to spend money on public investments. What better place could we be spending money than building schools for our future, giving our children a chance for a first-class quality education?

Finally, I will say this: I know the Republican leadership has not been excited about school construction. They have fought it every step of the way. There have been some Republicans who

have supported it. The Republican leadership is against the idea of the Federal Government getting involved with school construction. And that argument has merit. I am not saying it does not.

But in light of September 11, I would hope the arguments on the other side would weaken because we need to be putting Americans to work. These are good construction jobs. And they do two things. They give a man or a woman a job, so he or she can bring home a pay check to feed their family and pay their mortgage. By doing that, you are also investing in our children by building schools so they can compete in the challenging world which we all now face.

Those are the arguments. Again, I hate to oppose the Senator, but I am opposing this amendment on those grounds. And I ask other Members to join with me in that opposition and to support the mark of the chairman and the ranking member.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GRAMM. I ask Senator GREGG to yield me 1 minute.

Mr. GREGG. I yield the Senator whatever time he needs.

Mr. GRAMM. Mr. President, I ask unanimous consent, because we are debating this amendment, that I be able to proceed on my amendment, which is also pending, for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2055, AS MODIFIED

Mr. GRAMM. Mr. President, I send a modification to the desk, a very simple modification. This amendment would be in order when this other amendment is over, so rather than just wait I thought I would do it and get out of everybody's way.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 2055), as modified, is as follows:

After line 7 on page 9, insert the following:
“(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.”

Mr. GRAMM. Mr. President, when I offered my amendment yesterday, in guaranteeing the right, under the Daschle amendment, for people to join or not join a union, I did not include the critical right for them, if they choose not to join a union, to not have to pay union dues. I have corrected this with this modification. It fits the principle we set out.

The Daschle amendment preempts State law and preempts county ordinances and city ordinances to set up a structure for unionism in police and fire and sheriff departments. I am opposed to that. But it seems to me, if the Federal Government is going to preempt State law and preempt counties and cities to set up a structure for unionism, it ought to also allow people to decide if they do not want to be members of the union and they do not want to pay union dues. So through this modification, I have corrected that problem.

I thank my colleagues and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

AMENDMENT NO. 2056

Mr. HARKIN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. Twenty-three minutes.

Mr. HARKIN. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, here we are again. Senator Gregg, my friend from New Hampshire, is trying to say we have no obligation to help our local schools meet safety and fire codes and to renovate and rebuild our schools.

I find it kind of an odd argument to say we have no responsibility, to say what he said earlier, that this is a State and local responsibility. After all, we use Federal moneys for rural water systems in this country. Should that be a State and local responsibility? His State gets some of that. There are waste water programs, bridges, highways, all kinds of things that the Federal Government is involved in in terms of construction.

As we look around the country, we see our schools are falling down. The average age is 42 years old. Fourteen million kids attend school in buildings that are unsafe or inadequate. So, quite frankly, there is a crying need out there for school construction.

The American Society of Civil Engineers, in their report card on America's infrastructure, listed schools as the worst. They listed bridges and roads and highways and sewage disposal systems and airports, but the one that got the lowest grade was our public schools in America.

My friend, with his amendment, basically is going to take the money and put it into title I. So I think what he is trying to do is put all the money in title I to send poor kids to poor schools.

I am not saying we should not be doing more for title I. That is why I am going to be supporting the Cochran-Landrieu amendment, which I think is a better formula for title I. But I find it odd that the Senator from New Hampshire said we don't need to fix up these schools; we just need to put more

funds in for these poor kids. And they will go to schools that are unsafe, insecure, with ceilings that are cracked and with water leaking in. They do not meet fire and water safety codes. They are not wired for the Internet. That is all right; we will send them there anyway. I find that an odd argument.

I believe this is, indeed, a Federal responsibility. The way we have constructed this, I say to my friend from New Hampshire, is that the money goes to the States. Then the States decide how to allocate this money out to local school districts. So we are not saying exactly how it is spent. This is sort of a State grant. I think my friend from New Hampshire has been a big supporter of block grants in the past. This basically is what it is. This goes out to the States and lets the States decide where it goes.

Quite frankly, I have a chart in the Chamber which shows how much money goes out to the different States and where this money goes. The fact is, we have already seen that in the last year we put in \$1.2 billion for school repair and renovation. Forty-one States have already asked for and received their grants. That indicates to me there is a real need out there. If there was not a need out there, the States would not have asked for this money.

Thirdly, this money is leveraged greatly. From the experience we had in my own State of Iowa, \$28 million over 3 years went out for school construction and renovation.

That \$28 million was leveraged by State and local governments to the tune of \$311 million, over a 10-to-1 leverage. It seems to me any time we can spend a taxpayer's dollar and we can get a 10-to-1 leverage in our local communities and States and we can do something of lasting value, which is to repair schools and build new schools so that our kids have the latest technologies, that is a pretty good investment of taxpayers' money. That is exactly what is happening. They are leveraging this money in a big way.

Here is a chart; it is kind of busy. I will hold it up. This indicates all of the renovation funding that went out this last year for different States. I see that some of the States received more than others based upon population and a few other factors. This would be the kind of money that would be lost for school construction if, in fact, the amendment of the Senator from New Hampshire prevailed.

Lastly, everyone is talking about a stimulus package. We have stimulated the economy. This is what Senator LANDRIEU was discussing. We want to put people to work around this country. What job needs to be done more than repairing and modernizing our schools? We get a lot of bang for this buck. We get economic stimulus. We will put people to work immediately. These jobs are ready to go. There are

schools all over this country that already have their plans in place, that have requests in for modernizing, for fixing up their ceilings, meeting fire and safety codes. This is something we can do right away. It stimulates the economy. It puts people to work. We get better schools. We leverage the money all over the country.

I don't see why we would want to pull the rug out from underneath this right now. This money goes to the States and from the States to the local school districts. I believe this is an important element for us in the Federal Government. People say we haven't done it before, that this is something new. Is that the reason we are here? Just to continue to plow the same old ground over and over again?

I keep asking, where in the Constitution of the United States does it say elementary and secondary education is to be funded only by property taxes? It is nowhere in the Constitution. That is just the way it sprung up because in the early days of our country we wanted to have a free public education for everyone—for white males at that time but for everyone later on. There was no taxing base. All they had was property taxes and a few excise and tariff taxes. It was not until 1914 or 1917 that we had the income tax. So there were no other tax bases. We grew up a system in this country based on property taxes.

That is all broken down. We provide Pell grants for kids to go to college. Under elementary and secondary education, we provide teacher training, funding for special education. We do all of this. Why shouldn't we use the power in the Federal Government to help our State and local schools repair and modernize, build new facilities for the new century for our kids.

In every case where I have seen this work, the money has been leveraged 6, 7, as much as 10 to 1 in those State and local communities.

Especially with the economy going down, this is not the time to pull the rug out from underneath school construction.

I yield the floor and reserve the remainder of my time.

Mr. GREGG. Mr. President, I yield such time as he may consume to the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from New Hampshire for yielding time to me.

I will take just a minute or two and suggest that this amendment that is offered by the Senator from New Hampshire has great merit because it shifts funds into a program that has historically been grossly underfunded. The title I program has about four different categories of authorized funding in it. Over the last several years only two of those programs have been funded by the Congress.

I am supporting an effort to increase the funding in the targeted assistance so States such as mine, who have high concentrations of poor students, will have a better chance of providing the quality of education opportunity those students deserve and which is needed so much by the poor students.

Sixty-five percent of the students in my State have been classified by our State department of education as poor within the meaning of the term in the Elementary and Secondary Education Act that contains this title I funding.

This program was begun in an effort not to supplant the State's responsibilities but to emphasize the importance of reaching out to those who had not been well served by the public education school system, and those were the poor students. Most of those communities have low tax bases, not much business activity, high rates of unemployment. The funding that goes into education in most States comes from real estate taxes and other taxes at the local level. States provide some of the funds, but most of the money comes from local property owners. The deck is stacked against those students who live in those poor communities.

The Federal Government realized it had a responsibility to try to help. We are not trying to take over the running of the schools in title I. We don't want that.

Just as recently as this spring, I had hearings in my State and meetings with the State board of education to talk about the title I program and how we could better design it so it would provide the needed financial resources to deal with these particular problems of poor students.

Uniformly, I was told that losses in these funds or reductions in these funds would be devastating for our school system in Mississippi. So I am supporting the Gregg amendment because I think it tries to emphasize the importance of title I and provides more funds for title I. I will also cosponsor and vote for the Landrieu amendment. It is not an either/or proposition for the Senate. That is what I am saying. We can vote for both. I think we should.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Mississippi for making that very excellent point. This is not an either/or choice. We can vote for the Landrieu-Cochran amendment, and we can vote for this because essentially what this amendment does is take the construction money and move it into the title I targeted formula. What the Landrieu amendment does is restructure the new money for title I and reallocate some of it to the targeted formula, some of it to the equity formula.

As a practical matter, the two are not exclusive. You can support both. If

you are interested in getting more money into the title I accounts and especially more money into the accounts that benefit low-income kids under the targeted formula, then you should definitely vote for this amendment which takes the money from the school construction accounts.

Just to cite a couple examples: California, under present law, gets \$1.15 billion; under this proposal, they would get \$1.5 billion. So they pick up about \$430 million out of this account which would be going into the targeted formula.

Florida gets \$400 million. Under this proposal, they get \$558 million. That is \$158 million going to the targeted formula.

The State of the presiding Senator from Georgia would get \$250 million under present law; \$330 million would go into the title I formula.

Yes, it means there wouldn't be school construction money going into those States, but what would be happening is that dollars would now be flowing directly into the accounts which benefit low-income kids rather than into a general account which, as the Senator from Iowa mentioned, is basically where the States make the decision. It can go to a rich district or a poor district. It can go to Safe and Drug Free Schools, which we already fund under another account, or it can go to security, which we fund under another account, which is duplicative. The purpose of the Federal dollar should be to get the money to low-income kids. That is why we need to fund these targeted formulas, especially in areas where you have a large concentration of low-income children. That is why this amendment makes a lot of sense.

I thank the Senator from Mississippi for his comments and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. KOHL. Mr. President, I rise today to oppose the Gregg amendment. This amendment would entirely eliminate the \$925 million in this bill that is intended to help school districts with critical construction and renovation needs, and instead divert it to title I. I strongly support both of these important programs. Title I serves our Nation's most disadvantaged children and helps ensure that they have the same educational opportunities as more affluent children. I am pleased that the bill before us includes a nearly \$1.5 billion increase in title I for fiscal year 2002. I am committed to working to further increase title I funding this year and in future years, as it is the cornerstone of our Federal commitment to help low-income students succeed.

While I appreciate the goals of the Gregg amendment and agree that title

I must be one of our top priorities, I cannot support it at the expense of legitimate and urgent school construction needs. In my home State of Wisconsin, nearly 80 percent of schools were built before 1969. In a recent survey of 881 Wisconsin schools, the total statewide cost of all repairs and renovations that are needed to put schools in good overall condition was \$1.55 billion. Clearly, we have a serious need to address school construction and renovation.

Unfortunately, this amendment presents the Senate with a false and unnecessary choice. I agree that we need to do more for low-income children, and I intend to support the amendment to be offered by Senator LANDRIEU that will put more money into title I and target it to the lowest income students. But we cannot expect a child to learn in an old, dilapidated, or unsafe school with no access to the tools and technology that are so much a part of education today.

The Gregg amendment would force us to abandon one critical education program for another, but I believe we can and must make both a priority. I urge my colleagues to oppose the Gregg amendment and to support the Landrieu amendment later on, to ensure that the Federal Government provides funding for both school construction and assistance to low-income students. We can afford to do both.

Mr. SPECTER. Mr. President, we are debating allocation of Federal funds among quite a number of very worthwhile programs. When you talk about basic State grants, concentration grants, an effort for targeted assistance, they are all very meritorious. The difficulty our subcommittee has in making an allocation is in trying to establish priorities. We have \$925 million allocated for school construction.

The Senator from New Hampshire has a laudable purpose. The Senator from Mississippi articulates laudable goals. But we have done the best we can in the appropriations process in making the allocations among many priorities that we think to be appropriate. Title I has in excess of \$11 billion going to needy children, which is the largest allocation. We have been debating the issue of school construction for a long time. The former Senator from Illinois, Carol Moseley-Braun, brought this forward several years ago, as has Senator HARKIN.

My conclusion is to support what the subcommittee report has and, reluctantly, to oppose what the Senator from New Hampshire wants, and what the Senator from Mississippi would like to have, because their goals are laudable.

I think it is important, as the Senator from Iowa points out, that there was leveraging of these funds. It is never easy to say where a Federal responsibility ends and where a State re-

sponsibility begins. Ideally, the funding perhaps should come from State and local government, not the Federal Government at all.

We have been in the field, and we have added very substantial dollars. There is now in excess of \$41 billion. We added \$6 billion last year.

One of the difficulties with school construction is that the \$925 million allocation is questionable, as to how far that will go on the school needs of America. We had a very tough debate on this issue last year when Republicans controlled the Senate and President Clinton, a Democrat, was in the White House. We ended up with an allocation for school construction of \$1.175 billion, but we put in language that if, after due deliberation, the school boards on a local basis decided they did not want the money for school construction, they could use it for other educational needs—virtually a block grant. That language and that approach has been maintained here.

I am not saying local boards are going to turn down school construction money. But in the event that does happen, the school districts will be able to make the allocations as they see fit on a local basis.

Senator HARKIN has been a strong advocate for school construction beyond any cap. I was supportive of Senator Carol Moseley-Braun when she advanced this idea several years ago to sort of give it a start. Although you could allocate these funds in many different directions, arguably with forceful positions, it is my stance that we have made an appropriate allocation and this \$925 million is appropriate. So I am going to support the chairman and the subcommittee report, which we have submitted.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself another 3 minutes.

I thank my colleague and the ranking member, Senator SPECTER, for his support of this amendment. We have worked very closely together over the years, and it was sort of a sign of Senator SPECTER that allowed some of this money to go out to the States and if in fact they do not need it for construction, they can use it for other purposes. So this is a great help to those local school districts.

Mr. SPECTER. If my colleague will yield for a moment.

Mr. HARKIN. Yes.

Mr. SPECTER. Mr. President, we called those the "Harkin hoops" last year. They have to survive the Harkin hoops. If not, they go to local.

Another comment is worth articulating, and that is, when we sit down and go over these accounts, it is no surprise that TOM HARKIN and ARLEN SPECTER have a lot of different views. We hammer them out, and we come to accommodations.

This is a program that is very near and dear to Senator HARKIN's heart. Again, to repeat, which I don't like to do, I supported it with Senator Carol Moseley-Braun many years ago. There are many accommodations in this bill where Senator HARKIN was not so enthusiastic and I was more enthusiastic, so that when we come to the time of presenting the arguments and the position on the floor, I am going to stay with the agreements we reached in the subcommittee.

Mr. HARKIN. I thank my friend from Pennsylvania. We have had a good working relationship. I think this is just another indication of how we can reach bipartisan agreements in committees by working together.

Mr. President, I have a letter from Rebuild America's Schools. This is a consortium of gripes including the National PTA, National Education Association, National School Boards Association, National Rural Education Association, and a number of others. This letter is dated October 30, 2001. It says:

Rebuild America's School writes in strong support of the \$925 million for the Emergency School Repair Program included in the Senate version of H.R. 3061.

They go on to say:

The resources provided under last year's legislation combined with the funds included in the FY02 Senate appropriations bill will help fix leaky roofs and repair faulty plumbing, heating, and electrical systems. These resources will also enable districts to address other dangerous health and safety concerns in their schools, such as the presence of lead paint and asbestos in the classroom.

The importance of an FY02 school repair program gains even more relevance in the face of revenue shortfalls resulting from the recent downturn in our Nation's economy. These expected losses might force State and local governments to cut or roll back education spending, particularly in the area of capital projects. In addition to providing much-needed fiscal relief to States and local school districts, funds for emergency school repairs will help to create construction jobs on the local level as each billion dollars invested in school construction is estimated to generate approximately 24,000 jobs. Also, these expenditures will have a multiplier effect on local economies by benefiting all of the construction-related industries that provide material and other types of support for infrastructure projects.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

REBUILD AMERICA'S SCHOOLS,
Washington, DC, October 30, 2001.

Hon. TOM HARKIN,
Chairman, Senate Appropriations Subcommittee on Labor, Health and Human Services and Education, Washington, DC.

DEAR SENATOR HARKIN: Rebuild America's Schools (RAS) writes in strong support of the \$925 million for the Emergency School Repair Program included in the Senate version of HR 3061, the FY 02 Labor, HHS, and Education appropriations bill. RAS is a coalition of national organizations and

school districts from across the nation working to increase federal support to assist local communities to build, renovate and modernize school facilities. We strongly oppose any amendment that may be offered that would cut or eliminate funding for this critical program.

This appropriation addresses the rapidly growing need to improve our nation's school buildings at a time when communities across the country are struggling to renovate and repair aged school facilities. Students in virtually every state are attending classes in overcrowded buildings with leaky roofs, crumbling ceilings and outdated ventilation and heating systems. In fact, according to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers recently reported that school facilities are in worse condition than any other part of our nation's infrastructure. In addition, a June 2000 study report by the National Center for Education Statistics reported that 11 million students—one in every four—attended schools in less than adequate condition, and 3.5 million of these students in school buildings in poor condition.

HR 3061 builds on legislation passed in the 106th Congress that provided \$1.2 billion in grants to high-need school districts to pay the cost of urgent repairs and renovations. As of the beginning of the 2001 school year, 42 states and 2 outlying areas had submitted applications for their funding grants under this program. The resources provided under last year's legislation combined with the funds included in the FY 02 Senate appropriations bill will help to fix leaky roofs and repair faulty plumbing, heating, and electrical systems. These resources will also enable districts to address other dangerous health and safety concerns in their schools, such as the presence of lead paint and asbestos in the classroom.

The importance of an FY 02 school repair program gains even more relevance in the face of revenue shortfalls resulting from the recent downturn in our nation's economy. These expected losses might force state and local governments to cut or rollback education spending, particularly in the area of capital projects. In addition to providing much needed fiscal relief to states and local school districts, funds for emergency school repairs will help to create construction jobs on the local level as each billion dollars invested in school construction is estimated to generate approximately 24,000 jobs. Also, these expenditures will have a multiplier effect on local economies by benefiting all of the construction-related industries that provide material and other types of support for infrastructure projects.

Rebuild America's Schools and its membership supports inclusion of a \$925 million Emergency School Repair program in HR 3061, and provisions that continue to ensure that the urgent repair needs of our high poverty, rural and Indian schools are all addressed. In addition to these funds in this education appropriations bill, we support providing a larger amount of assistance for school repairs as part of the economic stimulus bill. We believe extending this initiative will go a long way in helping communities across America fix crumbling, unsafe, and unhealthy schools, and ultimately help to create the learning environments our children will need to succeed in the 21st century.

Sincerely,

ROBERT P. CANAVAN,
Chair.

Mr. HARKIN. Mr. President, again, I keep hearing this argument that this

money can go to rich as well as poor districts. The Senator from New Hampshire says take this money and put it all into poor districts. I find that an odd position for my friend to take since he is a very strong supporter of States rights. This money goes to the States. If the State government in New Hampshire wants to put that money into the richest school districts, I assume they can do that. I don't think State governments would do that.

Our experience from the last year is that States take this money and focus it on those very districts where they have a low tax base because they have poor housing in low-income areas. That is where they focus the attention for school construction, not in rich areas. So I assume the Senator is saying he doesn't trust the State governments to do this. Well, I think they will do this. They will focus it on the poor districts.

Lastly, I wish to make this point, and I think my friend knows this. In the conference that we are now in on the education bill, the reauthorization of elementary and secondary education, there is a provision the Senate adopted unanimously that provides for the full funding, 40 percent funding that the Federal Government should be doing for special education. That is supported strongly on the Senate side. The House is sort of wavering on that, but they may actually come across in support. If that is the case, that will free up a lot of money which we can then use to help our title I schools. I am making the argument in conference right now that if the House will help us to provide the mandatory funding for special education, that will free up a lot of money which we can then put into title I programs. We should not sacrifice school construction for that. As I said before, it does not make much sense to put a lot of money in to sending poor kids to poor schools. Let us help both. Let us help title I, and let us help rebuild our schools.

Mr. President, there is an article that appears in Education Week about Federal funding for school renovation. The title of it is "Iowa Is Laboratory For Federal Role In Building Schools." They went out and looked at a number of schools that received some of the Federal funds for innovation and rebuilding.

I ask unanimous consent this article be printed in the RECORD.

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

[From Education Week, Oct. 24, 2001]

IOWA IS LABORATORY FOR FEDERAL ROLE IN
BUILDING SCHOOLS

(By Joetta L. Sack)

The teachers at Decatur City Elementary School had become accustomed to the eccentricities of their 1915-era building. Despite its sloping concrete floors, its basement room used as both a gym and a cafeteria, and its out-of-the-way location, some admit

they'd even grown fond of this little block-shaped, brick schoolhouse.

Sentimentality aside, leaders of the Central Decatur schools here on southern Iowa's rolling plains knew the structure was impractical and potentially dangerous. So they raised, local funds to add a wing to the district's secondary school, making room for the elementary school's staff and 115 pupils.

To help the cause, the district received a \$500,000 federal grant through a program earmarked for Iowa districts that was created in 1997 at the behest of the state's Democratic U.S. senator, Tom Harkin.

While Washington lawmakers were debating whether the federal government should wade into school construction aid, the veteran senator used his considerable influence to set up a "demonstration project" in his Midwestern state. Now in its fourth year, the program has channeled, \$37 million to the state, and the 750-student Central Decatur district and other Iowa school systems are seeing the rewards.

The program could be construed as pork, yet another example of a powerful lawmaker feathering his political nest by bringing home the maximum number of federal tax dollars. Iowa after all, does not qualify as the state most in need of school construction help, according to recent data.

But Sen. Harkin, who chairs the subcommittee on education, labor, and health of the Senate Appropriations Committee, speaks proudly of the program a success. And with Congress at odds over whether to continue a much larger school renovation program begun in the just-ended 2001 fiscal year, the senator contends that the Iowa program is proof that money for school buildings should remain in the federal government's portfolio.

Nobody questions the need for school repairs and renovations nationwide, estimates range from \$112 billion to \$250 billion or more to bring all school facilities to basic levels, and nearly every district has seen problems with overcrowding or decaying buildings. Mr. Harkin's program in Iowa gives grants for emergency repairs or new construction.

"The most pressing needs are the schools that need to be brought up to fire and safety codes," Sen. Harkin said last week. "And then, we just have a lot of old schools in Iowa, like a lot of states do, that need to be rebuilt or totally refurbished."

In the final days of last year's appropriations process, the senator—then the ranking minority member on the subcommittee he now chairs—helped win approval of the national program, which is based on his Iowa experiment. The fiscal 2001 budget included \$1.2 billion for emergency repairs.

Now, Congress must decide whether to continue the national program and the Iowa grants. As the fiscal 2002 appropriations bills make their way through the process this year the version passed by the now-Democratic-controlled Senate appropriations committee includes continuation of the funding at about 80 percent of the 2001 level, while the House version eliminates it.

President Bush favors eliminating the school renovation funds.

"School construction is an area where the federal government does not have a meaningful role, and never did," said Lindsey Kozberg, a spokeswoman for Secretary of Education Rod Paige.

The administration has, however, proposed a new facilities program for charter schools and wants to drastically increase construction funding for schools under the impact-aid program. Impact aid sends federal grants to

school districts whose property-tax bases are directly affected by the presence of non-taxable federal facilities, such as military bases.

Appropriators won't decide whether to continue the Iowa program until the two bills reach a House-Senate conference committee. But a Senate Democratic aide said that Sen. Harkin, because of his seniority and influence, is always granted a pot of money to spend as he chooses, and the program likely will continue.

"If he wants it, he'll get it," the aide said.

TENDING TO CONSTITUENTS

Mr. Harkin, who has named the school construction program the "Harkin grants," often hosts back-home events on concerns such as education, health care, and agriculture.

"The image we see here is that he's involved in education a lot," said Joseph S. Drips, the superintendent of the 4,700-student Southeast Polk district in the Des Moines suburbs, which also received a Harkin grant.

A report released last year by the National Education Association, a strong proponent of federal aid for school construction, ranked Iowa 25th among the states in school modernization needs, with a total estimate of \$3.9 billion for infrastructure and technology needs.

Iowa has seen an economic downturn and declining population in recent years, which have squeezed its budget. And the state has seen its center of gravity shift from farms to more urban areas, meaning that some urban districts are facing unprecedented growth while some rural districts struggle to stay open.

"The needs generally run across the board," said Marcus J. Haack, the associate executive director of School Administrators of Iowa. While the money from the Harkin grants has helped, his group advocates a more comprehensive over-haul of school finance.

Now nearing the end of his third term in the Senate, Mr. Harkin has become a fixture as one of the Democrats' more liberal members. But he represents a state almost evenly divided between Democrats and Republicans—Al Gore took the state in the presidential race last year by just 4,144 vote. Mr. Harkin won his last election in 1996, with only 52 percent of the vote.

Programs such as the school construction grants could be his lifeline to elected office, said Jack Jennings, the director's of the Center on Education Policy, a research and advocacy organization in Washington. Although some Iowa voters have qualms about his views, they are pleased the Senator brings so much money back to the state, Mr. Jennings said.

"What he has done is balance his liberalism with great attention to constituent needs," said Mr. Jennings, who is a former aide to House Democrats.

But Sen. Harkin also has consistently pushed for a nationwide school construction program. He first proposed a plan during his unsuccessful 1992 presidential campaign, and since then, has joined other Democrats—and a few Republicans—who have proposed various approaches.

While the issue has gained momentum in recent years, with hundreds of educators lobbying for such a plan, there is still plenty of opposition in Washington. Most conservatives say that school construction should remain a state and local responsibility.

Some legislators argue that if the federal government steps up its funding, state and

local governments will just set aside less for school construction, and nothing additional will get built. Furthermore, bureaucratic red tape and laws requiring that federally financed construction projects pay union-level wages could drive up total costs, critics say.

MATCHING FUNDS

Hoping to quell some of those concerns, Sen. Harkin designed his program to require local districts to bring money to the table for new construction projects.

The competitive grants require communities to prove they can pay for 75 percent of a project, thus keeping most of the obligation local. Districts can receive up to \$500,000 for school construction projects. Another portion of funds is reserved for the most urgent fire-safety repairs, and districts can apply for up to \$250,000 without a match.

Under the national program the \$1.2 billion was given to states with instructions to distribute it to poor districts that could show the greatest need for repairs.

Sen. Harkin and other Democrats argue that by requiring districts to provide the bulk of the money, school construction and renovation remain local and state obligations.

According to the senator, the initial \$28 million dispensed in the Iowa program's first three years leveraged \$311 million in local funding for repairs and new construction. And although those funds might have been raised without an incentive, he believes the Harkin grants made the difference in persuading some communities to go forth with a project.

"It's proven that a little bit of money can go a long way," Mr. Harkin said. "When you can get one federal dollar to leverage \$10 in state and local funds, that's a pretty good use of federal money."

SOME LEFT BEHIND

Many Iowa districts are still using the traditional three-story red-brick buildings like Decatur City Elementary School that were constructed in nearly every small town in the state at the beginning of the last century. The Southeast Polk district will soon use its \$500,000 Harkin grant to replace one of those buildings that engineers unexpectedly deemed to be unsound.

"The final report was, 'get out as soon as you can,'" said Mr. Drips, the superintendent.

A new building did not figure into the district's carefully crafted 10-year building plan, but Mr. Drips and school board members realized it would be more economical to build a new facility than try to renovate the old building.

Formerly a rural community, Southeast Polk is now seeing its cornfields become middle-class subdivisions, and its enrollment has increased by about 125 students annually in recent years. To help manage that growth, the district's residents passed a 1-cent local sales tax that generates about \$4 million a year.

Without that revenue, the district would not have been able to meet the grants match requirement. That requirement sometimes leaves behind the neediest schools if they are unable to raise funds locally, Mr. Drips said.

Sen. Harkin, though, said the local matching requirement was key to retaining local control, and that cash-poor districts could still apply for the emergency grants. Meanwhile, he said, Iowa districts can count on the federal aid for the near future—and he's going to fight to continue the national program as well.

"It has been such a resounding success on Iowa, and our needs are so great that I in-

tend to keep it," he said. "After 10 years of beating on this, I'm finally getting people to realize that there is a federal role and we can do this while retaining local control".

Mr. HARKIN. I reserve the remainder of my time. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The ACTING PRESIDING pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise in support of the Gregg amendment, and I ask unanimous consent that I be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, the Gregg amendment is the solution to the problem presented in the underlying bill. With all respect to the bill managers, I believe the bill tries to meet new needs before addressing current obligations.

The bill appropriates \$925 million in new funding for school construction which has never been embraced in the light of open debate because policymakers, year in and year out, have recognized the danger of creating new questionable obligations in the face of our existing appropriate obligation to low-income and disadvantaged children.

We already said we are going to do that. We are not doing it adequately, but now we say: Oh, I have this great idea for an economic stimulus; let's jump in on this and build some schools. It is not just the construction industry having a little bit of a problem. In fact, the construction industry is not hit as hard as other industries.

The Gregg amendment reflects the pure policy we all espouse. His amendment would redirect \$925 million into the title I Targeted Assistance Grant Program. That program disburses money based on a pure poverty formula. Again, that is what we all say our policy does. The underlying bill creates a new program with almost \$1 billion in new spending.

The greater concern which I have raised many times is that this bill would violate the prevailing wisdom that school construction is a State and local funding obligation.

My policy concerns go even further. I offered an amendment to the ESEA bill when it was considered by the Senate earlier this year which addressed my concerns about providing any Federal assistance in the absence of maximized State and local effort and without the strictest eligibility requirements based on poverty.

We somehow, to do the school construction, are going to have to get together and talk about that, but that is where it gets difficult. I can relate to some of my previous experience. The

Wyoming Constitution requires an equal education for all kids. That is very tough to define and very tough to do.

One of the equal education issues determined by our supreme court is equal buildings. What is an equal building? We have one school district that has about 800 students with a declining enrollment for a number of years. For a high school, we can determine 8 or 9 years in advance what the population is going to be based on the other schools that are below it—that it is going to be a continuing declining population. There is a requirement that the State build a new school for them. They want the school to be for 1,200 students. There is no justification for 1,200.

We are talking about maintenance, too. The State constitution in Wyoming, interpreted by our supreme court, says there has to be equality when you tell people you are going to build school buildings or suggest perhaps if they do not do maintenance, they will get a new school building sooner.

What is the result of this? The State is having to take over school construction. We are probably the ultimate State in the belief of local control, and we are having to go the other way. We are going to have a State organization now that will determine building maintenance. That is a pretty basic school board job. But if you are going to build the building, you have to have some control over the maintenance. If you are going to build the building, you also have to have some minimum requirements and maximum requirements. That has never been the case. Before, communities were able to build the kind of building they wanted to build or not build a building at all. That is not going to happen anymore.

Those are issues we have not addressed at the Federal level. I can tell my colleagues that with the difficulty the State of Wyoming is having, it is new ground we do not want to cover without a very basic discussion.

“Equal school buildings” is very hard to define, and I can tell my colleagues they are going to be even tougher to fund because an equal school building is going to have absolutely everything, and that means the finest football field, the finest swimming pool, and the finest gymnasium. In a lot of communities, that creates some controversy as to whether that is the epitome of education or whether it ought to be the finest chemistry classroom or the finest math facility.

We have not had that basic discussion here. We have not been forced to have that basic discussion because we have not gotten into this area. We are starting to get into that area, and we better have that discussion before we find out that we have bitten off a bigger spending bill than this country

would ever be able to afford and freed up local governments to again let us buy their votes with their dollars.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. ENZI. I thank the Chair and reserve the remainder of the time. I ask that my colleagues support this amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HARKIN. Mr. President, again, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. HARKIN. How much time does the other side have remaining?

The ACTING PRESIDENT pro tempore. The other side has 8½ minutes.

Mr. HARKIN. I yield 4 minutes—and if he needs more time, I will give him more—I yield 4 minutes to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first, I agree with the goal of dramatically expanding and making the best use of title I money. The Cochran-Landrieu amendment, about which we will hear more later, goes much more in that direction. By the way, I support that goal because I believe with all the mandates that are coming out of Washington, DC, right now—test every child, every grade, 3, 4, 5, 6, 7 and 8—we better make sure we get the resources to the school districts so they have a chance to do the job.

I reject this tradeoff. I cannot believe we are arguing that rebuilding crumbling schools and making sure they are inviting places is somehow unimportant. I do not believe we are talking so much about brand new swimming pools and brand new gyms. We are talking about many school buildings all across the country that are dilapidated. We are talking about children who know that if they want to see something great, they can go to a shopping mall or they can go to a brand new sports arena or they can go to the latest fanciest movie theater, but about the worst place they can go is their own rundown schools.

When our children go to these schools and they are so decrepit and run down, the heating does not work or the air conditioning does not work or the toilets do not work, we are telling our children we do not value them.

I refuse to accept this tradeoff which pits helping children with title I program funding versus whether or not we are now going to abandon a Federal program which has provided some funding for our schools for school repair.

By the way, in every State, there is a huge backlog of repair work. I thank Senator HARKIN for his leadership in talking about the importance of school renovation.

My second point is one of the ways we can get more money for title I and

distribute that money in the most efficient manner is to take the IDEA program for children with special needs and make it mandatory. That is the language we now have. That is what we are fighting to keep in conference committee. We should be getting support from every Senator and the administration.

As a former Governor, the Presiding Officer knows how strongly our States feel about giving the States the funding the Federal Government promised them for children with special needs. Then we can do a much better job for all the children.

That is the direction in which to go. Then finally, actually this whole debate is a little bit of a fantasy debate in that I do not think we are recognizing we are in a recession. These are hard economic times, and right now what is going on is our States are having to cut teachers, cut teacher assistance; they are having to cut counselors. If anything, we should get serious about an economic recovery plan.

I argue we need an additional \$3 billion to go for school construction, for renovation of schools. It is win, win, win. You do not eliminate this program during a recession. A, the schools are more inviting for the children; B, you are creating jobs; C, you are contributing to the community; D, you are doing something about the recession, and you are getting money in the economy, which is all about what we have to do for economic recovery.

I think the amendment of my friend from New Hampshire goes precisely in all the wrong directions. I hope Senators will vote no.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GREGG. Mr. President, what is the status of the time?

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire has 8½ minutes. The Senator from Iowa has 1 minute.

Mr. GREGG. I do not think it is the wrong direction when one is trying to help low-income kids be more competitive in a school environment where they have been left behind.

The goal of the Federal Government has been stated. Our goal as the Federal Government under title I is to help low-income kids. The problem is we have not adequately funded the formulas to accomplish that. In fact, we have not even funded the targeted formula which was passed in 1996.

We funded a formula that was a pre-1996 formula or a 1994 formula, which has been nothing more than a hold harmless for a bunch of States which may or may not help the targeted populations in need.

Now we create this new program, \$925 million of new money being spent on a capital program for construction of facilities which can go to any school. As

the Senator from Iowa said, it can go to the richest school districts. It can go to any schools. It does not go to the low-income children. It does not go to the school districts with low-income children. It can go anywhere in the school system. It can go for swimming pools. It can go for squash courts. It can go for whatever the school system decides to build.

That is not our responsibility as a Federal legislature. We have been very specific as to what our responsibility as a Federal legislature is. We have said our responsibility as a Federal legislature is to, one, take care of special needs kids or be a participant in that exercise and, two, take care of kids or try to help kids from low-income backgrounds be competitive with their peers. That is what the Federal policy is.

In fact, we have rejected as Federal policy in the last two Congresses the need to have a construction program. What are we funding? We are funding a construction program at the expense of low-income children who would get money under this targeted proposal.

Let us talk about a few States. Under this proposal, Connecticut would go from \$83 million targeted on low-income kids to \$111 million targeted on low-income kids. Delaware would go from \$22 million targeted on low-income kids to \$28 million targeted on low-income kids. Hawaii would go from \$25 million targeted on low-income kids to \$35 million targeted on low-income kids. Illinois would go from \$357 million targeted on low-income kids to \$477 million targeted on low-income kids. Michigan would go from \$349 million targeted on low-income kids to \$445 million targeted on low-income kids, under the proposal I am suggesting. New Jersey would go from \$209 million targeted on low-income kids to \$272 million targeted on low-income kids. New York would go from \$822 million targeted on low-income kids to \$1.15 billion targeted on low-income kids. Washington State would go from \$118 million targeted on low-income kids to \$149 million targeted on low-income kids. Wisconsin would go from \$129 million targeted on low-income kids to \$160 million targeted on low-income kids, money which would go directly into the school systems which are trying to serve the low-income child. That is our purpose.

As we pass the new ESEA bill, we are going to make it even more effective in the way these dollars are used to benefit that low-income child. So it makes no sense to me to create this new program which is in the area where the States and communities have traditionally had the responsibility, which is the area of construction of their facilities, a new program which gives a carte blanche so the money can flow to whatever district wants to get it. The district can be a high-end district or it

can be a low-end district that happens to spend it on something that does not impact the low-income kids, instead of putting it into the program which we as the Federal Government have said we want to fund.

There is a role for block grants in our Federal system, but the Federal Government has also said that in the education area there are certain areas which we are going to carve out and in which we are going to try to exercise our assistance. We only put 6 percent of the dollars into the local school systems. What we have said is those 6 percent of dollars are going to be focused; they are not going to be spread all over the map.

The construction dollars spread it all over the map, whereas this amendment puts it into a formula which is extremely focused. It is directed right at the low-income child who today, unfortunately, has been left behind. That low-income child today simply is not getting a fair and competitive education. We are going to try to fix that under the new ESEA bill. In the same process, we need to give the dollars to support the new initiatives. That is what this amendment does.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. I understand I have about a minute remaining. I respond to my friend from New Hampshire, there is a chart that is being passed out that has fiscal year 2001, and it has Landrieu, then it has Gregg, and it looks as if the Gregg amendment gives a lot more to each of these States the Senator from New Hampshire just mentioned—Connecticut and a few others—but you have to add to the Landrieu column the school construction money, which the Senator from New Hampshire does not do.

So if we add that up, we will get—

Mr. GREGG. Will the Senator yield on that point?

Mr. HARKIN. Sure. If I made a mistake, I will be glad to yield.

Mr. GREGG. That speaks to title I.

Mr. HARKIN. Yes.

Mr. GREGG. This is the title I dollars. School construction is not a title I program.

Mr. HARKIN. No. I am saying the amendment funding, the Senator is talking about a funding comparison total. It does not say title I. It says funding comparison. I am saying, under the Landrieu column, all of the money would have to be added that is in the amendment that would go to schools or to States for school construction to get a better comparison. That is all I am saying.

Lastly, I say why send poor kids to poor schools? Let us help the poor kids, but let us rebuild our schools, too.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator from Iowa has expired.

The Senator from New Hampshire has 3 minutes 20 seconds remaining.

Mr. GREGG. The Senator from Iowa, of course, raises a valid point, which is the money is still going back to the States if it goes back to school construction.

The point, however, which is the whole essence of this argument or debate—"argument" is the wrong term. The essence of this debate is that the dollars under the title I program, especially the new formula which targets those dollars, is used on low-income kids and actually goes to the kids in low-income schools.

The school construction money is outside title I. It is not an authorized program. It does not even exist as a Federal program. It just exists as an expenditure under the appropriating process, and it does not flow at all under the title I process.

The goal of title I is to benefit the low-income child. School construction money does not benefit the low-income child. There is no structure to do that. It is money that is spent by the States however they want to spend it on construction. It makes much more sense to take this money and move it into the title I account into the new targeted formula so we end up with a child who comes from a low-income background actually benefiting from these dollars. That is the purpose of this amendment.

I yield back the remainder of my time.

Mr. HARKIN. 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. Under the previous order, the pending amendment was set aside and the Senator from Louisiana, Ms. LANDRIEU, is to be recognized to offer an amendment on which there will be 60 minutes of debate equally divided

AMENDMENT NO. 2058

Ms. LANDRIEU. Mr. President, I thank the Chair and the ranking member for their fine work on this appropriations bill that is so important to our schools, to our health care infrastructure throughout the Nation at this important time, as well as to our labor community and the work they have done.

I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. COCHRAN, Mr. BENNETT, Mr. HATCH, and Mr. ENSIGN proposes an amendment numbered 2058.

Ms. LANDRIEU. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

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

The amendment reads as follows:

AMENDMENT NO. 2058

(Purpose: To redistribute certain funds under title I of the Elementary and Secondary Education Act of 1965)

On page 55, line 6, strike "\$8,568,000,000" and insert "\$7,172,690,000".

On page 55, line 11, strike "\$1,632,000,000" and insert "\$1,365,031,000".

On page 55, line 12, after "section 1124A:" insert the following: "Provided further, That \$1,000,000,000 shall be available for targeted grants under section 1125: *Provided further*, That \$649,979,000 shall be available for education finance incentive grants under section 1125A:".

On page 55, strike line 15 and all that follows "H.R. 1" on page 55, line 22, and insert "95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001".

Ms. LANDRIEU. Mr. President, I have been asked to yield a few minutes before I get into the essence of this amendment. I am happy to do so.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague from Louisiana for yielding, at least before she starts her presentation, to my colleague from Pennsylvania for a resolution.

Mr. REID. If I could ask the two Senators from Pennsylvania a question, I understand how important this resolution is, but do you have an idea how long it will take? We have to get the votes out of the way before 1 o'clock.

Mr. SPECTER. If I might respond, I think we can dispense with it in the course of 6 or 7 minutes.

Mr. REID. I ask unanimous consent that the two Senators each have 4 minutes to speak on the resolution.

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

The Senator from Pennsylvania.

HONORING COACH JOE PATERNO

Mr. SANTORUM. I ask unanimous consent that the Senate turn to the consideration of S. Res. 175, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 175) honoring Penn State football coach Joe Paterno.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, it is an honor and a pleasure for me and Senator SPECTER, who is cosponsor of the resolution, to be here today to pay tribute to a great American, a great

Pennsylvanian—although he was born in New York, we consider him a great Pennsylvanian—Coach Joe Paterno.

This past weekend—and I see my colleague from Ohio here, so I mention Penn State defeated the Ohio State Buckeyes on October 27—he becomes the "winningest" coach in Division I-A history, surpassing Paul "Bear" Bryant.

I recognize and celebrate that great accomplishment of Coach Paterno, but the bottom line is, of all the things he has accomplished at Penn State, this is one of his lesser accomplishments. This is a man who has added so much to that university, to our Commonwealth, to the country, and to sports in general, a man of great integrity.

When you think of Joe Paterno, words that come to my mind first and foremost are integrity and character. This is a man who really tries to hold athletics and everything he does to the highest level of integrity. He teaches that to his children—yes, to his children, and to his kids who are on the team, but he also teaches it to the whole university community and to us as a nation through his example.

He is a man of incredible character. He said: Success without honor is an unseasoned dish. It will satisfy your hunger, but it won't taste good.

This is a man who understands that there is more to life than just winning. He has won more than anybody, but he understands there is a much bigger picture, and if you talk to the kids who have graduated from his program—by the way, he has one of the highest graduation rates of any football program in the NCAA, almost double the average for the NCAA—this is a man who understands football is not just about winning but about building character, building a better foundation for our country through these kids and the people who touch the program.

Finally, I must discuss his humility. Those in public life, in the eye of the media all the time, understand when you are the "winningest" coach in college football history, it is easy to be full of yourself, but this man understands that humility is the key to success. It is an important virtue that we have far too little of in this country.

I quote again from Joe Paterno: Publicity is like poison; it doesn't hurt unless you swallow it.

Joe Paterno has never swallowed the poison of media attention, trying to push him up. He understands his greatness is in his humility, his simplicity, and his integrity in doing the little things well every day.

As a Penn State alumnus, I congratulate him. I congratulate Joe's wife, Sue, a great partner in Joe's career. I thank him for what he has done for the university, not just on the football field. They have done a tremendous amount of charitable giving and leadership for the university.

I thank him and recognize him. As a Senator from Pennsylvania, he is someone I am very proud to call one of our own.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I join my colleague, Senator SANTORUM, in offering praise to Coach Joe Paterno for establishing a new record for being the "winningest" coach in football class I-A schools.

It was a tough first four games of the season this year when Penn State was defeated four times. Then his team came back in spectacular fashion to beat Northwestern 2 weeks ago and last Saturday to beat Ohio State to establish the new record.

In the short time we have, I will share a vignette or two. Coach Paterno tells a story of his undergraduate days at Brown when he was a member of a fraternity which did not have any Jewish members. A young Jewish student sought to enter the fraternity. They passed the cup around and it turned out to have a blackball. Sometime later, the student made a second application and they passed the cup around again and it turned out to have a blackball. Then he made a third try, and again there was a blackball.

At this point Joe Paterno, a student in the fraternity, jumped up and said: I have to admit, that was my blackball; I withdraw the blackball. Of course, it wasn't his blackball. But the blackballer didn't have the courage to stand up and acknowledge it as his blackball. That young Jewish student gained admission to the fraternity.

One other short story. I am not sure how appropriate this is, but I will take a chance. I was campaigning for reelection. I am not sure if it was 1986 or 1992. Joe Paterno happened to come by. The newsman said: Coach, are you supporting Senator SPECTER for reelection?

And Joe Paterno has a marvelous way of putting his foot down, pawing the ground, and looking down. He said:

Well, if I had a running back in, and he was making yardage and he wasn't tired, I'd leave him in. I think I'd leave Arlen Specter in.

I have had a few endorsements in my day, but that is the most memorable one I have had.

Coach Paterno visited this Chamber with, I believe, the 1983 Penn State team. They filled the visitor's gallery. I made a reference to them, pointing out that the team was in the balcony, and I was later corrected by Senator BYRD who pointed out that I violated the Senate rules in pointing to that great national championship team.

I point to them again today. I don't think Senator BYRD will admonish me because they are not in the balcony today, but there were great teams with Coach Paterno, going down in history as No. 1 in so many respects.

I thank the Chair, and I thank Senator from Louisiana for yielding me this time.