

to have to file cloture on that. But we are going to work on SCHIP next week. I would hope we could finish Homeland Security, and maybe even move to another appropriations bill. The Finance Committee is meeting this morning to report out a bipartisan bill that we can take to the floor dealing with health care for millions of American children.

Conference reports. The 9/11 conference report is moving along well. The conferees are meeting today. They hope to move this conference quickly so we can finish it next week.

For the ethics conference, we still do not have the appointment of conferees. I am trying to figure out some other way to complete that; otherwise, we will have the necessary cloture votes to get that to finality. It is a shame it is being held up. It was the No. 1 bill we took up this year. Why? Because it was the No. 1 problem people identified when Congress was elected last November. The culture of corruption was so rampant, that was one of the things people focused on.

While it may not be the No. 1 issue today because of Iraq stepping ahead of it, it is still an extremely important issue, and I think it is a shame we have not been able to go to conference on this measure because of objections from the Republicans.

#### COLLEGE COST REDUCTION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2669, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

#### Pending:

Kennedy amendment No. 2327, in the nature of a substitute.

Murkowski amendment No. 2329 (to amend No. 2327), to increase the amount appropriated for the college access partnership grant program.

Kennedy amendment No. 2330 (to amend No. 2327), to amend the amounts appropriated for Promise grants for fiscal year 2014 through 2017.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

We continue the debate and discussion on the legislation that has been reported out of our Education Committee, which has strong bipartisan support. This legislation is being considered under a time limit, but certainly there is sufficient time to debate any of the kinds of issues or questions dealing with education this morning. We will have the two votes, as the leader has pointed out, at noon-time. Senator ENZI and I are both here ready to discuss, debate, and work with any of our colleagues on this legislation. But we are very strong believers in this legislation.

This is the largest assistance to middle-income and working families that we have had since the end of World War II and the GI Bill. This is very substantial help and assistance. I think all of us, when we go home to our States, hear from families who talk about the increased cost of school, the increased cost of tuition, and the increased cost and burden associated with going to college.

We are also very much aware of the necessity of providing additional educational opportunities that are so essential for families, so essential for communities, so essential for States, countries, and the United States in a world economy.

Education is the equivalent, effectively, of hope and opportunity for the young people of this country. We are making a strong downpayment to help and assist the sons and daughters of working families.

My State of Massachusetts is blessed with many fine schools and colleges. About 80 percent of all those who go on to college get some kind of help and assistance over the course of their time they are in college, whether they go to one of our community colleges, one of our fine public colleges, or one of our fine private colleges.

So when we say we are providing help and assistance, through scholarships or through Pell grants, we are making a difference in the opportunities for our fellow citizens.

Our future depends on education. The future of our economy depends upon having educational opportunities. We are building on excellent legislation that was completed in the Congress earlier this year.

The COMPETE Act came through our committee, with the great leadership of Senator BINGAMAN and Senator ALEXANDER. Our bipartisan effort gave additional focus and attention to enhancing the opportunities for young students to study math, science, engineering, and other areas that are particular needs for our country in the future.

This legislation builds upon that legislation in a very important way in terms of opportunity. That is what we wish to talk about briefly again this morning. By enhancing educational opportunities, we are going to strengthen our economy, we are going to be more effective in dealing with globalization, we are going to be more effective in terms of our national security because we are going to have better trained, better equipped personnel and better technology for those who serve in our military forces.

We also will equip the next generation with the ability to ensure that our democratic institutions at the local, State, and Federal levels work more effectively.

So education is the key. We are proud of this legislation and the difference it will make.

This legislation will provide a historic increase in the need-based grant aid. That is the enhanced help and assistance in the Pell program.

We will have better repayment options that cap a borrower's monthly payment at 15 percent of their discretionary income. That means all those who are going to be out there working are never going to pay more than 15 percent of their discretionary income on their student loans. That is particularly important in terms of what we call the public-sector jobs, where there is an enormous need in this country—enormous need. Our society needs more teachers, more emergency management and law enforcement professionals, more public health doctors and nurses, more social workers, more librarians, more public interest lawyers, and more early childhood teachers.

This bill also offers loan forgiveness program for borrowers in public service jobs: After they work as a school-teacher for 10 years, paying no more than 15 percent of their discretionary income during that time, all their debt—all their debt—will be forgiven.

These are the key elements of this legislation. We want to show what how we have tried to ensure that educational opportunity will be available to all of our fellow citizens here in America—including middle income and particularly the low income families. We know from experience the challenges that are out there.

This chart gives an idea about the increases in tuition at public and private colleges. There have been enormous increases in tuition. We have tried to address that with our increase in Pell grant funds.

I want to take a few moments this morning, though, to talk about the focus we have given to the Pell program. Over 5 million Americans—5 million Americans—all across this country participate in the Pell program. With the commitment we had back in 1965 when we passed the Higher Education Act, we wanted to make education available to all Americans—all Americans and we understood that those who had particular financial needs were from working families. We developed this under the leadership of Senator Pell of Rhode Island, our leader and then-chairman of the Education Committee. His name will be associated with this program for as long as it exists, along with other very worthwhile programs, including the National Endowment for the Humanities programs, the National Endowment for the Arts, and others.

This chart shows the help and assistance in the Pell area. The program targets families who are generally making \$50,000 or less. Individuals with moderate income still can gain some benefit, but they are not the target.

Let's look at this chart here. What does it show us? It shows that too few low-income students are prepared to attend college. This shows low income, moderate income, middle income, and high income. You see that those who are completing high school in the higher numbers, they are dependent on income. You see the higher income students are prepared to attend college,

and 47 percent of the lower income students are projected to be college-qualified high school students in 2004. I know these statistics are from 2000 and 2004, but we know the result is still the same. These are the figures as a result of publications last year. This shows we can have well-qualified, low-income students, but only 47 percent of them are going to be college qualified, to be able to go on to college.

Once these students graduate from high school, we see what happens. Only 20 percent of them are going to be able to earn a bachelor's degree. Why is it 20 percent? The reason it is 20 percent is because of, by and large, the financial burden. So we have the lower income, moderate income, middle income, and high income. If we are going to be one country with one history and one destiny, one Nation, we have to have at least the opportunity in the areas of education; which is so basic. I think we need it in health care and other areas of public policy as well, but education is key. If we are starting off with a model where income largely determines who will be able to get the education and who will not, we have a divided Nation. If we say we want to give equal opportunity to the citizens of this Nation, we cannot have this kind of disparity.

What have we done now with the proposal? We have said, for those individuals who would be eligible, as I mentioned on those first two charts, we have increased the Pell grant. This will directly help those individuals who are going to be unable to complete their education because of the funding levels. The Higher Education Access Act will build on what we started by increasing the maximum Pell grant to \$5,100 next year—a \$790 increase—and to \$5,400 in 2011. We know that Pell grants have opened the door of opportunity for countless young students over the years. It is imperative for Federal and State legislatures to continue offering financial aid programs to colleges and universities across the country in order to even the playing field for the underserved and disadvantaged. It is an important targeting of resources to those children who are the neediest and need the greatest help, but also individuals who have competency and are able to gain admission to these schools and colleges. They have ability, but they don't have the financial ability. This is targeted to try and help and assist them.

Now, what else are we doing for those individuals? We are going to have the loan forgiveness provisions. How does that work? You have an individual, for example, who has gotten into the grant program and then they borrow some money to complete their education. That individual wants to go on and be a schoolteacher. The annual salary in my State of Massachusetts for a teacher is \$35,241. The average loan debt is \$18,169. That is about the national average, and it has doubled in the last decade.

So we say we are targeting these resources. Of the \$18 billion we have taken from the lenders, we have close to \$1 billion, that will go for deficit reduction, and we have taken the other \$17 billion, a major portion of which will be used to help and assist those students who are individuals of ability, but who lack the financial help and assistance to go on to fine schools and colleges. We are giving them the bulk of the resources to help and assist them to go to the schools and the colleges.

Then we say—when they graduate, they are going to have a rather sizable debt. These individuals want to give something back to the community, and we find out they want to be a schoolteacher. So if they are \$18,000 in debt, how are they going to be able to pay that off?

We say they are going to be starting in what is a public sector area. This is a schoolteacher in this case. They are \$18,000 in debt. When we put the cap on the amounts they are going to have to repay of their debt, it is going to save them \$732 a year from what they would otherwise have paid—\$732 a year—if they go into public service. That is the amount, because of the 15-percent cap that we put on their annual salary. That is a big chunk of change; \$732 is a big chunk of change for students just out of college.

Then we say if they did this for 10 years, if they teach for 10 years, then we forgive the remainder of their debt, which is over \$8,000. That debt will be forgiven. We reduce their annual yearly payment by \$700 and forgive their debt by \$8,000. These are individuals who are going into a profession where there is an enormous need. We need to have tens of thousands of teachers within the next decade.

Now this is the chart for a teacher. I can give an example of another public service provider, and I will do that in a minute or two. But this is illustrative of what this legislation does. It is heavy in terms of the targeting, in terms of the Pell programs, and in terms of the loan forgiveness. We also have the provisions, as was brought out during the debate and the discussion, to permit these younger people to earn more when they are in various work-study programs, or working even as they are going to the universities. It used to be if they earned too much, they would lose their need-based aid because they no longer qualified. We give greater flexibility, which will encourage younger people to earn something in addition, that will maybe help them buy more books or help them buy computers. We increase the eligibility for auto-zero from \$20,000 to \$30,000. It doesn't sound like a great deal, but there will be further opportunities for those who are in working families to be able to participate in this Pell program.

I use this example of a student who will be a public defender. I will put up the list of all of the examples. I am

using the example a teacher, but the bill forgives the direct loan graduates of their debt who work for 10 years in any form of public service, including emergency management, public safety, public law enforcement and government, education, early education, and childcare. The need we have now is for teachers. This bill incentivizes people to pursue jobs in early childhood education, among others. That is a key element. If you read the great book "From Neurons To Neighborhoods" by Jack Shonkoff from my State of Massachusetts, it brings together all of the National Academy of Sciences evaluations for the support of children in the earliest months of their lives, let alone the earliest years, and how that helps stimulate the synapses in the child's brain, helps develop the sense of confidence, the sense of inquisitiveness, the sense of capacity for learning, for early childhood education. We have expanded those opportunities in another piece of legislation Senator ENZI and I worked on; the reauthorization of the Head Start Program.

The work of public servants is so important. We have public education, early childhood education, childcare, and all the public services working with the disabled and the elderly. We know the increasing requirements so many of our parents have, in terms of being able to live independently and to live with dignity. So this bill will encourage those who want to work with the disabled and the elderly, or in public interest legal services as prosecutors of the public defense. We want our judicial system to work and to work fairly for people, to give them the kinds of protections but also give them the kinds of defense. Public school libraries, library sciences, and other public school-based service providers. Also, teaching full time at tribal colleges or universities.

We find, as I am sure other Members do, when you go to the fine schools and colleges across this country—I find it in my State of Massachusetts—the amount of volunteerism that is out there among the young people. Many of them go, in my State, into the City Year program, one of the great programs of volunteerism we have had. The program has spread in this country and around the world in many respects. They go into public service programs to help and assist and volunteer at the schools and colleges in the communities. We have a wonderful small college, Stonehill College, and one of their defining aspects as a college is to help young people start nonprofit agencies. They give them help and assistance in how to start nonprofit groups. They, for example, started eight nonprofit groups to try and relieve the problems of hunger in southeastern Massachusetts.

Young people want to get involved. Young people want to make a difference in people's lives. Young people

want to provide service. This legislation will do more to give them the opportunity when we have areas of critical need than anything we have done in recent times. This is an area that says, look: You want to work and work in the public—you want to give something back to your community, local community, or State, if you want to do that, we are going to give you help and assistance. We are going to recognize it, and we are going to make it manageable for you to do it. We have the constant illustrations, particularly in medical schools, where the great majority of young medical students in their first year want to become general practitioners—the overwhelming majority. Then by the second year or the third year, that group is down to a handful. Why? Primarily because of student debt. They know when they get out of medical school, they too often are making decisions about their areas of specialty based on the profession that is going to permit them to pay off that student debt, rather than be able to go into a neighborhood health center and to provide help to those who need it.

So we have made this as wide as we could in terms of trying to respond to that sense that is out there in our schools and colleges, in all parts of our country, urban areas and rural areas, to say: Look, if you want to give something back, we are going to make it possible. We are going to give you a greater opportunity for you to go to college, particularly if you are from working families and low-income. We are going to give you a better opportunity to do that. With the amendment of our friend from Alaska, Senator MURKOWSKI, it is going to help and assist States to take many of the younger people who need help and try to give them focus and get them on the pathway to school and colleges. We are going to give that encouragement and help the States.

Many States have established these kinds of nonprofit agencies that do a superb job. We have some in my own State of Massachusetts. They do a breathtaking job in encouraging people to do it. And then we have, in our authorization, the extraordinary work of Senators ENZI and JACK REED to simplify the student loan application and permit people who don't have a lot of student advisers and extra help to be able to use a more simplified form so they can understand what it is to be able to begin to make the application for school and college. We give greater assistance there.

This is all part of the efforts we have been making in our committee in terms of early education. We are going to make the changes to No Child Left Behind, and we are going to try to tie in kindergarten programs. We are going to have a seamless web so that will work more effectively, and those who go to college are going to be able to have met the initial college requirements. We want to try to do that more

effectively. All that for another time. But in this legislation, we have gone in this direction.

Mr. President, this is just a brief survey of what I think are the compelling aspects. We decided initially that on higher education, we had to bring in lenders. We were not sure, going back over the years, how much incentives we could provide to the lenders to make sure the system would work. We found out they have made it work, and there are sufficient resources that we are going to continue to give to these lenders to make them profitable. But we can take the resources we have here and target those resources to the students who need it the most. We believe very deeply that educational opportunity is key to individuals' future and our country's future.

If we are going to be one country, as I think all of us believe we should be, we do not want to have the kinds of divisions that are increasingly putting pressure on the young people of this country at the present time. This legislation is doing a very important job in trying to address that situation and, again, I thank all of our colleagues because we have been able to, as Senator ENZI realizes, on the committee, in the areas of education, we have been able to rise above the issues of partisanship. We have had wonderful chairmen, including Senator Stafford from Vermont, and we had Senator Pell from Rhode Island, and we had our colleague, Senator GREGG, and Senator ENZI has been chairman of those committees. We have areas where we have our differences, although I must say I think on our committee we try to find common ground in areas of difference.

In the area of education, which is so important across the board, we have worked very closely together. I think this legislation represents a splendid opportunity to make a real difference for families in this country.

I yield the floor.

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

Mr. ENZI. Mr. President, I thank the Senator from Massachusetts for his outstanding job of explaining a number of the provisions that are in the bill before us today. This is the reconciliation bill, which has to deal with savings in the budget. We are hoping that anybody who has amendments to it will bring them down. It is a privileged motion, which means there will be a maximum of 20 hours of debate on it. We don't have to do the full 20 hours if there are not 20 hours' worth of amendments. So I hope people will bring the amendments down and get them debated and voted on. There is an essential piece that is not included in reconciliation because it doesn't deal with savings in the mandatory programs. It is actually most of higher education. We need to get to that part too. It should be done in conjunction with the reconciliation bill. For parliamentary reasons, it is difficult for that to hap-

pen. We were not able to get to it in the last 2 years. We need to get to it now.

We talk about deficit reduction. This is not the first time we have done deficit reduction. During the last 2 years, we did a major deficit reduction. We took away subsidies from the lenders and put some of that into deficit reduction, and a good chunk of it went into help for students. I don't know whether we ought to use the term "deficit reduction," though. For the most part, what we are doing is spending money, and we are spending money we don't have. So that is why the deficit reduction piece was put in as a piece of legislation, to allow us to actually grapple with trying to save the Federal Government money.

Of course, when it gets into the area of students, it is hard for us to have any constraint, particularly if it appears we are taking it away from students. We are adding to what the students get, just as we did in the last 2 years when we did deficit reduction. We gave parts to deficit reduction from the lenders, which decreased the amount of money we were spending that we didn't have, and we continued to increase some of the programs for students.

That is what we are doing again here, but we are not doing much deficit reduction. There are people who are very concerned about that. We are making a substantial reduction again in lender subsidies. At some point—we don't know what that point is—lender subsidies will get to the point where lenders will not be interested in working with students because it takes employees to do that, it takes facilities to do that, and there is even risk in doing that. All of those have a cost. When the cost exceeds what they are able to take in, they will no longer be interested in it, and without the thousands of people in this Nation who are servicing these loans, as well as informing people how to get them and helping them to get them, there will be a lot of students who will not be able to get the help they need to have.

So we need to be very careful in doing these things. One of the areas we have taken great care has been in instituting a pilot project, and that pilot project is to do, on a portion of the loans we have, set up an auction—to have people actually bid to see what the real dollar number is they would be willing to give up in the way of subsidies in order to have the business at those universities. That will give us a better indication of where the subsidy should be, and I am glad we are doing it in a pilot project way. When you move out into the area of doing something totally different than you did before, it is good to start fairly small, with maybe 10 percent of the loans, so if it isn't quite right, it will not destroy the whole college program. Also, it will give us an indication not only of the process we ought to be using to make it as fair as possible and make sure students are taken care of as well

as possible, but it will also give us an indication of things that ought to be done differently.

So I am pleased that we are able to start on a small basis like that instead of a big basis because one of the things that happens when you do a change is that there is an estimate of how much revenue will be saved. There isn't anything really to base that estimate on, but there is an estimate of how much will be saved. What we are doing with this bill is we are spending the estimates of what could be saved. We are not spending what actually will be saved but the estimates of what will be saved. As everybody knows, estimates don't always come out the same in reality. Sometimes they come out bigger and sometimes less. Unfortunately, with the Federal Government, when we are talking about the amount of revenues that will be coming in, we are usually overestimating that, and on the spending side we are underestimating, which means we are spending more than we are taking in and compounding it.

In all of these programs, we have the sense of wanting to do generous things, but we also have a responsibility for making sure we can pay for our generosity. Our goal, of course, is to have as many students as possible have access to college. Money is one of the problems, but there are other problems too.

I wish to speak about the importance of the legislation that is under consideration, but I wish to reiterate the importance of taking up the Higher Education Act reauthorization and, hopefully, doing that right after this reconciliation bill. That is why I encourage people to bring amendments down, so maybe we can yield back some time. There may be time today to cover the other part, which is a bigger part than reconciliation, and it is more important.

The reconciliation bill provides for additional need-based grant aid, and that is a critical component of increasing access and affordability. Additionally, by increasing the income-protection allowance, we have increased the ability of working students to receive Pell grants. That change is particularly important and one I have been sensitive to. I worked during junior high and high school so that I could afford to go to college, and that all counted against me when I tried to apply for any kind of aid. I wasn't eligible for it.

My daughter ran into a similar situation. We made sure all of our kids worked toward their education. She had saved some money, and we always gave them a little incentive: we would match anything they came up with, whether it was scholarships or money they earned and saved. So the first time she applied for any kind of assistance, scholarships, or anything need-based, they said: You know, you have this money in savings, you should have spent that on a car. A car doesn't

count. So what are we teaching our kids? Don't save for college, spend your money. That is not right.

We have tried to set it up so that working students have a great ability to receive Pell grants. This change is particularly important as the student population in our colleges become more and more nontraditional. However, it is not only important to ensure that more students enroll in college prepared to learn but that more students have the support they need to complete college with the knowledge and skills necessary to be successful. America's ability to compete in the global economy depends on increasing the number of students entering and completing college.

Of the 75 percent of high school seniors who continue their studies, only 50 percent receive a degree in 5 years, and that is within 5 years of enrolling in college. Only 25 percent of them receive a bachelor's degree or higher.

These numbers are even worse for students from low-income families. Among eighth graders in 1988, only 16 percent of them from low-income families attained a bachelor's degree by the year 2000. The fact is that over four times as many eighth graders from high-income families attain bachelor's degrees as their peers from low-income families. Pell grants are aimed at providing low- and middle-income undergraduate students with resources needed to enroll in college and persist through graduation.

America's competitiveness depends not only on the investment in scientific research and technology but the investment in human capital; that is, our students.

Two years ago, Congress invested the savings it achieved through reconciliation in students by providing \$9 billion in new spending for student benefits, including \$4 billion in additional need-based grant aid through Academic Competitiveness grants and SMART grants. This grant aid is in addition to the basic Pell grant award for Pell-eligible students.

For first- and second-year undergraduates, the Academic Competitiveness grants are designed for Pell-eligible students who complete a rigorous high school curriculum. These grants are important because recent data shows that slightly less than one-third, 31 percent, of public high school students are prepared for postsecondary education as demonstrated by the academic courses they pursued.

Let me repeat that. These grants are important because recent data shows that slightly less than one-third of all public high school students are prepared for postsecondary education, and that is demonstrated by the academic courses they pursued.

It is also demonstrated by the number of remedial courses they have to take when they get to college. That is something we hope to fix in No Child Left Behind, concentrating on the high school years so there isn't that wasted

senior year of education and then there are the courses they have to take in college just to get up to the entry level.

The Academic Competitiveness Grant Program not only provides additional need-based grant aid to low- and moderate-income students, but it encourages those students to take the rigorous high school courses that will enable them to enter college, not needing remedial education. Well-prepared and well-supported students are more likely to persist to degree completion, to succeed in obtaining needed knowledge and skills to compete in the 21st century global economy.

National Science and Mathematics Access to Retain Talent grants, that is SMART grants, are designed for third and fourth year undergraduates majoring in physical, life, or computer sciences, mathematics, technology, engineering, or a critical foreign language. These grants serve a dual purpose, and that is to provide needed grant aid and to encourage students to major in and enter a field where there is a national need.

The reconciliation bill before us today provides for additional need-based grant aid to students as well, through the creation of Promise grants. The provisions of the bill move us in the right direction. Low-income students who are striving to attend college will know there is financial aid available to them to access college or career and technical education.

What is missing from this debate? We have a pretty complete explanation of what is in the bill, but consideration of the rest of the Higher Education Act is essential. The bill before us today focuses on a very narrow slice of the Higher Education Act, one piece which is dependent on the other foundational programs that are not part of reconciliation. We are only seeing a fraction of the higher education picture by debating this bill separately from the larger higher education reauthorization package.

I cannot emphasize enough how essential it is to cover the whole higher education package. By discussing only the reconciliation provisions affecting higher education, we are leaving behind financial aid application simplification. We have touted that a lot, and it needs to be simplified. Previously, in filling out an application for financial aid assistance, it was necessary to do both sides of this long form, using these many instructions. Mr. President, does that look formidable to you? It looks pretty formidable to me. As a result, a lot of people who could qualify for financial assistance have not qualified for financial assistance because they did not do the paperwork, and it is easy to understand why they did not do the paperwork. Who needs all that?

One of the things we have done is to simplify that form so it is both sides of one page. It is much easier to answer. The reason we are able to simplify it is

that the questions that are asked on it are the ones that are essential to being able to determine whether the student needs financial aid or not. So it is much more concise. This application gathers a lot of information. We couldn't find out who used the information. So if we don't know who uses it, why gather it? We have simplified that application which should increase the number of students who can fill it out. If we do not do the other higher education package, that will not be done.

There are also student loan disclosure requirements and year-round Pell grants in the reauthorization bill. Right now a student is limited to a school year rather than year-round. A lot of the technical schools go year-round, which means there is a portion of the year they cannot cover with Pell grants.

There are additional supports for nontraditional students. That is very important. As we are talking about a lifetime of employment, there are a lot of people training and retraining, and they are nontraditional students. They didn't just get out of high school. They are ready to go back and learn something additional. They are usually very motivated people because they understand the importance of what they don't have and what they desperately want.

Graduate and international education would be covered in the other package; financial literacy and better borrower information; privacy protection; also improvements to the Academic Competitiveness grants and SMART grants. We always want to be improving those grants and encouraging the sciences, technology, engineering, math, and medical fields.

There is also a college cost watch list, a little more information for everybody; and quality teacher preparation programs. We need to be encouraging teachers. We are going to lose a lot of them shortly through retirement with the baby boomers, and they need to be replaced. The basis of education is having quality teachers.

We are, once again, faced with the possibility of only dealing with the mandatory spending programs and leaving comprehensive reauthorization of the Higher Education Act undone. I wish we could have combined the two. I guess we still could, but it is not going to happen because reconciliation gets special consideration with a limitation of 20 hours of debate.

We are cutting the bottom line if we do not deal with the quality and substance of the important programs I mentioned. We have to have the whole package. The American success story of higher education is at risk of losing the very qualities that make it great—competition, innovation, and access for all.

Our goal should be to promote innovation and new technologies to keep the cost of college down, to expand the availability of information to keep students and parents in a position where

they can make more informed decisions, and improve financial literacy across the board so that students have a better understanding of how they can manage their loans and monthly payments. Schools and colleges have to do more to increase accountability and seek efficiencies that bring down the cost of postsecondary education. When we raise the Pell grant amounts, it doesn't help the students if the cost of college goes up an equal amount or greater.

The complexity of the Federal student aid system has to be tackled. Right now filling out the Free Application for Federal Student Aid prevents many students, as I mentioned, from even considering college. That was never our intent. It is time to make that less complicated than filling out our tax forms, and for an accountant to say that is really something.

Also, it is our responsibility to ensure that students and their families have the information they need to make informed decisions about the investment of time and money they are making to secure a college education. The cost of college has risen dramatically, and at the same time the need for a college education is greater than it has ever been before.

America's students must have the tools they need to complete higher education and to acquire the necessary knowledge and skills to become competitive in the 21st century economy. This can be accomplished, but it will take both the reconciliation and reauthorization bills together to reach that goal.

I am again stating for the record that I hope the Senate Democratic leadership will provide us with an opportunity to have a full and open debate on all aspects of the Higher Education Act. Both pieces are essential to ensuring students have access to a quality education. It is no longer an option whether to pursue college or skills certification that is nationally recognized. Everyone needs to have all the tools to understand and shape their future. They need these options. It cannot happen with just the reconciliation part of the package. The money without the capability doesn't do it.

I look forward to working with Chairman KENNEDY and colleagues on my side of the aisle so we do not let this opportunity pass by once again.

So far we have two amendments that have been submitted. I need to talk a little bit about those two amendments.

One of them is the Murkowski amendment. We have this interesting process under reconciliation. It is supposed to be for deficit reduction, but any time there is deficit reduction, it leaves money hanging out there, and that money can be used in amendments in a number of different ways. It just works on our minds to know that there is money out there that could be spent. So we have a couple of amendments that will use up the money.

There are a lot of people who would prefer we didn't use up the money, es-

pecially since we are talking about deficit reduction, which means we are spending more than what we have, so what we are spending is money we don't have. But we are going to take this estimate of excess revenue that we are saving and spend it under both amendments.

The first amendment is a relatively small amount, \$176 million over the next 2 years. It does some very important things. Not-for-profit lenders, particularly small ones, might not be able to participate in the auction pilots and, thus, they will lose funding. This will allow them an opportunity to still be able to participate in the college market and conduct outreach and do all the important things those nonprofits are already doing for students, that they lose out on the auction. When we are talking about money around here, \$176 million is a micro-dot in the budget.

The other amendment is the Promise Grant Program. It is to spend the outlying money. There is some money that comes in further down the road. It is actually pretty big money, \$5.7 billion, and this spends a good portion of it.

So the decision people will have to make is actually whether they want to save any money or whether they want to take some of the money we don't have and put it into some new programs.

I wanted everybody to know what the situation is. From an accounting standpoint, I feel compelled to point that out.

We do have an important bill before us. I hope we can make it through that bill today. I know we can because the rules require us to do that. If we can finish it a little earlier, perhaps we can get to that second package, the one that has good stuff in it, the one that has to be done in order to have a complete package.

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

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, the name of the bill before us today is the College Cost Reduction Act, as it has been called. But just as appropriately it might be called "Restoring the American Dream Act" because that is exactly what is at stake with this critically important bill.

We all know that higher education is the key to success in today's global economy. It is the key to Americans' success as individuals, but it is also the key to America's success as a nation. But over the last 6 years, the cost of college has skyrocketed 40 percent. Meanwhile, the buying power of Federal grant aid has fallen, and too many young students are being forced to turn to private loans with high interest rates.

As a result, college has become a distant, unattainable dream for many Americans. For millions more who are

fortunate to attend college, they graduate with two things: a college diploma and a mountain of debt.

With the bill before us today, we intend to reverse these negative trends. We intend to put a college education and a fair shot at the American dream back within the reach of every American, including those of modest means. We might think of this bill as restoring the ladder of opportunity for millions of Americans.

This is a bipartisan bill with support on both sides of the aisle. I thank Senator KENNEDY and Senator ENZI for their bipartisan leadership in getting this bill through committee and getting it to the Senate floor. At the same time, I take pride in the fact that college access for all was one of the six priorities we announced last fall.

The crisis in college affordability has grown worse year after year. Year after year, Congress failed to act. Last year, we Democrats said to the American people: You give us the leadership reins and we will chart a new course. We, today, are making good on that promise.

The bill before us will accomplish a number of things. Most importantly, it will increase the maximum Pell grant, and it will increase the income level at which students automatically benefit for the maximum Pell grant. It will encourage public service by providing some loan forgiveness for graduates who go into fields such as teaching, social work, nursing, and service as legal aid lawyers. The bill will give protection to borrowers by capping the monthly payments at 15 percent of discretionary income.

This bill is a classic win-win-win. It is a win for the Government and for students and for taxpayers. For years, we have been concerned about the widespread abuses and excesses within the private student loan industry. What this bill does is cut excess subsidies to the private loan program by \$18 billion and channel most of those savings into Pell grants.

Earlier this year, in the fiscal year 2007 joint funding resolution, we were able to increase the maximum Pell grant by \$260 to a total of \$4,310. That was the first increase in Pell grants in 5 years, since the last time Democrats had the majority and I chaired the Appropriations Subcommittee for Education and Health Programs in 2001.

Now, with the bill before us today, we are pleased to build on that progress by joining with Senator KENNEDY and Senator ENZI to boost the maximum Pell grant to \$5,100 next year and \$5,400 by 2011.

I also wish to salute Senator KENNEDY for crafting this Senate bill in a way that is a big improvement over the House bill. The House bill cuts interest rates on all student loans. Well, that is very expensive, and it also provides benefits to many who don't need them, such as upper-income families. The Senate bill concentrates the savings on increasing grant aid to low-income stu-

dents, while providing some loan forgiveness for graduates who enter teaching, nursing, and other important but relatively low-paying jobs.

Bear in mind that before the increase earlier this year, the value of the Pell grants had been drastically eroded since 2001. I wonder if there are any colleges in America that charge the same amount for tuition as they did 6 years ago. I don't think so. In fact, high school guidance counselors tell me that, for the first time, they are seeing kids giving up their dream of college because they simply can't afford it, even with loans and grants.

I recently received a letter from a constituent from Indianola, IA, county seat of my home county. She told me about her daughter who graduated from college last year. Let me quote from this mother's letter.

We faithfully saved for our daughter's education every month from the time I knew I was pregnant, even during a six-month period when my husband was unemployed. Since Rhiannon needed to attend a specialized college, our savings for her were not nearly high enough. Last year, Rhiannon's monthly loan payment suddenly increased to around \$700 a month. How many families can afford to do this? How is this generation of young adults ever to afford the American Dream to own a home? This is not good for the future of our economy, for how will these young people be able to have purchasing power or be able to afford marriage and children? College educations must remain a choice for all of our youth in order for our Nation to compete in this global economy.

This is not an exceptional case. We have all heard similar stories and received similar letters. Today, with the College Cost Reduction Act, we have an opportunity to address the crisis in college affordability in ways that will make a dramatic difference. As I said, the centerpiece in this bill is the significant increase in the maximum Pell grant and the expansion of Pell grant eligibility. Over the years, the Pell Grant Program has been enormously successful. This is America's largest need-based student grant program, and it has given millions of low-income students the opportunity to attend college, many of them the first in their families to do so.

Over the years, the value of the Pell grant has eroded dramatically. Think about this: Two decades ago, the maximum Pell grant covered 51 percent of the cost of tuition, fees, and room and board at a public 4-year college—51 percent. By the 2004-2005 academic year, it covered only 35 percent of those costs, and it has fallen even more over the last couple of years.

In my State of Iowa, two decades ago, the Pell grants covered 61 percent of the average cost of a public 4-year college tuition, fees, and room and board—61 percent. Today, it covers about a third—about 33 percent—of those same costs.

Without adequate Federal grants, students have had to rely increasingly on student loans, many with very high interest rates. More students and their parents are taking out loans and bor-

rowing larger and larger amounts. Today, more than 60 percent of undergraduates at 4-year colleges take out loans, and the average student loan debt is more than \$19,000. Indeed, Iowa students at 4-year colleges and universities graduate with an average of \$22,727 in debt—the second highest rate in the country, I might add.

Make no mistake, when students graduate from college with a mountain of debt, this has a major impact on their career choices. For many heavily indebted graduates, pursuing public service careers as teachers, social workers, legal aid attorneys or a host of others becomes out of the question. A recent study found that 23 percent of public college graduates and 38 percent of private college graduates would have an unmanageable level of student debt if they tried to live on the starting salary of a teacher.

The burden of student debt also has a big impact on major life decisions. A student loan survey found the probability of owning a home decreases as the level of student debt increases. Well, that makes sense. In a survey, 30 percent of students said they delayed buying a car because of student loan debt, 21 percent said they delayed having children, and 14 percent said they delayed getting married.

I know of one very talented member of my own staff who, even in his mid 30s, was burdened with tens of thousands of dollars of debt while attending law school. He then got married, he and his wife had a couple of children, and he felt increasingly burdened by the debt. He finally had no choice but to leave his relatively modest-paying Senate job for a more lucrative position in the private sector. He concluded this was the only way he would ever be able to pay off his college loan debt so he could then start saving for his own children's college education. I believe there are more and more young people like that—they want to do public service-type jobs, but with the amount of debt they have, they can't afford to do so.

The College Cost Reduction Act is a sound bill. It is a good bill. What is more, it would not cost the taxpayers a dime. As I said, the bill saved \$18 billion by cutting wasteful, excessive subsidies to private lenders, and of that amount \$17 billion will be used to fund increases to Pell grants and the income-based loan repayment program, with the remaining \$1 billion dedicated to deficit reduction.

Predictably, the private lenders have mobilized a small army of lobbyists to argue that reductions in their subsidies would be devastating to their industry. Well, this simply is not true. The fact is that it is high time we eliminated the waste and gross excesses in Federal subsidies to some of these private lenders. Because of those subsidies, the student loan industry has reaped huge profits and become one of the most lucrative industries in America.

Take Sallie Mae, for example, the Nation's largest student lender—fantastically profitable, thanks to these overly generous subsidies over the past 30 years. The corporation now is moving forward with plans to sell itself. This corporation that has been loaning money to students now is going to go private, sell itself, with a windfall of some \$25 billion. Together, Sallie Mae chairman Albert Lord and their CEO, Tim Fitzpatrick, have collected total compensation—get this, the two of them—of \$367 million since 1999. Two people. And we are wondering why students have such high debts. In fact, as the Washington Post reported a short while ago, Mr. Lord, the Sallie Mae chairman, is currently building his own private golf course on 244 acres in suburban Maryland at a cost of up to \$15 million. This is the head, folks, of Sallie Mae, the largest student loan industry in America.

So we shouldn't shed any tears for the private loan companies and their executives. They are doing quite well. Quite frankly, they are going to continue to receive Federal subsidies. They are going to continue to make loans. They are going to continue to make profits. But maybe some of the future CEOs in this industry will have to forgo the luxury of having their own private golf course.

The College Cost Reduction Act is one of the most important pieces of legislation we will consider this year. It will make college affordable for our young people, especially those of modest means. It will go a long way toward ensuring our young people are not overly burdened with student loan debt after they graduate so they can afford to pursue careers that not only benefit them but make the world a better place in which to live. It will put the American dream and that ladder of opportunity once again within the reach of every American.

I urge my colleagues to support this long overdue and vitally important bill. Again, I wish to compliment Senator KENNEDY for so many years of leadership on this issue, especially the issue of education and making sure that college is affordable to our lowest-income students. I thank him, I thank Senator ENZI for working together on this bipartisan bill, and, hopefully, before the day ends at not too late an hour, we can pass this bill and give more hope and opportunity to a lot of these young people I see sitting on the Senate floor and to so many other young people throughout America.

Again, I thank Senator KENNEDY for his outstanding leadership on this issue.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HARKIN. Yes, I will be glad to.

Mr. KENNEDY. I thank the good Senator from Iowa for all his work on our education proposal. He has been a key member of our Committee on Education, and he has not only worked on it in terms of our committee but also

as one of the important leaders on the Appropriations Committee to make sure that what we have authorized actually gets funded. I hope the young people in Iowa understand that, because we certainly understand it, and we are very appreciative of it.

Quickly, though, the Senator has outlined in careful detail how we have put the greatest amount of the savings of \$18 billion, \$17 billion to provide relief for the students in the Pell grants. But I want to underline one other aspect of the program which says that if young people are going to volunteer in terms of public service, they will pay no more than 15 percent of their income in return. Therefore, they will save a good deal of the amount that otherwise they would have to save, and then they will get the loan forgiveness at the end of the day.

I just list here the various areas of public service. His particular interest would be about halfway down, since the Senator from Iowa has also been our great leader dealing with the challenges of disabilities, and also with the elderly—public services for individuals who work with the disabled, also with the elderly, also with independent living issues as our population grows older.

So we have public health and social work in public service agencies, education, early education, childcare, our legal system, public defenders and libraries—working, even in the tribal areas.

As the Senator from Iowa found in his travels around Iowa in many of the schools and colleges, young people welcome the opportunity to be a part of giving something back to the local community, giving something as a teacher or helping the disabled. They are glad to do that. In too many instances, they can't afford to do it because they have too big a debt, but under this bill they will be able to do that, and at the end of the day, a grateful nation will say: If you do it for 10 years, your debt is forgiven.

I ask if the Senator will not agree with me that this is really one of the important provisions in this legislation, one of the compelling provisions? We have tried to provide help and assistance to those in the Pell program, but we are also trying to incentivize and give opportunity to young people who want to give something back to their communities by showing a grateful nation will forgive their debt.

Mr. HARKIN. I thank the Senator for pointing this out. I especially want to underline what the Senator said about the public services for individuals with disabilities and the elderly.

Because of the Olmstead Supreme Court decision, because of what is happening now, as you know, we are moving more and more people out of institutional-based settings and into community-based settings. A lot of these people are going to need some help and personal assistance services to get going so they can earn money and pay taxes.

I often tell the story of my nephew Kelly. Of course, he was injured in the military, so he has always had VA services. But he has a nurse who comes in. He is a paraplegic. He gets up in the morning, a nurse comes in, gets him ready for the day, he goes to work, comes in, and when he gets home at night, someone takes care of him. If it weren't for that, he wouldn't be working and paying taxes. That is, thankfully, because he is in the VA and they do that, but for anybody else who has a disability, they don't get that kind of service.

More and more, we will be working with people, individuals with disabilities, in this sector. A lot of people want to do this. They cannot do this. I say to the Senator, with the mountain of debt they have. They just can't afford to do this work.

The only thing I might disagree with the Senator on, he said this is one of the most important aspects. I think this is "the" most important aspect of the bill.

I would say to the Senator, I started my life as a legal aid lawyer. So many low-income families need assistance, just legal assistance with debts, housing, divorces, family problems. They can't afford it. A lot of young people want to become a legal aid attorney. They may not stay there all their lives, but they would like to do this for a few years. It is public service. They get their feet wet right away in a lot of legal work.

I always tell young people in law school: If you really want to figure out what legal work is all about, become a legal aid attorney out of law school. You will get the cases no one else wants. You will get the cases people have given up on. I tell you, that will make you a better lawyer than anything in your lifetime.

A lot of young people want to do this. They cannot do it with the debt they have now.

Mr. KENNEDY. If the Senator will just look at this chart. You mentioned about the public defender—annual salary, this will be a public defender in Indiana. Here is the average loan debt, probably as a public defender. The average is \$19,000 but probably \$51,000 if that person has gone to law school. We save them \$2,800 a year in loan payments. If we do this for 10 years, I show the Senator from Iowa, if we do it for 10 years, their loan forgiveness is \$33,000—\$33,000 is forgiven.

Mr. HARKIN. I hope the Senator doesn't mind if I hold one up for Iowa. This is a teacher in Iowa: average salary, \$27,284; average loan debt, \$27,727. Here are your monthly payments. Under this bill right now, the relief will be \$1,344, and the amount forgiven, \$16,057. This is going to be great for teachers, going into teaching in the State of Iowa. I can't speak for what it is like in Massachusetts, but in Iowa we are losing about upwards of a third to half of our teachers in the second or third year because they cannot afford to teach and pay back their loans.

Again, I thank Senator KENNEDY for his great leadership. As I said, this, to me, is the core of what we are trying to do with this bill. It is not only to help these students get the Pell grants to go to college but also so they can pursue their dreams and do the kind of work they want to do, not what they are forced to do because they have a mountain of debt.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Wyoming is recognized.

Mr. ENZI. I yield such time as the two Senators need, until 11:40, which I think has been reserved for the leaders; is that correct?

The PRESIDING OFFICER. That request has not been granted at this time.

Mr. ENZI. OK. I yield them such time as they need to present their amendments.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

AMENDMENT NO. 2337 TO AMENDMENT NO. 2327

(Purpose: To amend the special allowance payments)

Mr. NELSON of Nebraska. Mr. President, I rise alongside my colleague and friend, Senator BURR from North Carolina, on an issue of great importance to America's middle class; that is, the affordability of higher education.

I call up amendment No. 2337.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself and Mr. BURR, proposes an amendment numbered 2337 to amendment No. 2327.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, even at the University of Nebraska, which offers a quality and cost-effective education, the average graduate holds over \$16,000 in debt as they enter the working world. That is the equivalent for many starting out of a near mortgage, although they don't own a house. For many students across the Nation, the picture is even more bleak, as students graduate with the equivalent of a home mortgage, in many instances. Over the last 10 years, the problem has grown worse. Average tuition and fees at 4-year public and private institutions have increased by 38 percent.

The class of 2008 will be the largest high school class in U.S. history, with nearly 3.2 million high school graduates facing the decision of whether they can afford to go to college. A key part of that calculation will be the financing options at their disposal, including grants, Federal loans, and private financing.

I applaud Senator KENNEDY for leading the charge, investing additional

Federal dollars in Pell grants which provide need-based aid to 5.3 million Americans each year. An estimated 90 percent of Pell grant recipients considered to be dependent upon their parents had family income below \$40,000. This provides essential support for many underprivileged families but only starts to address student need as loans are often required to supplement this aid and many middle-class families ineligible for Pell grants are left searching for financing solutions.

In a time of mounting challenges for America's middle class, I urge caution and moderation in cutting funding for the Federal Family Education Loan Program, known as FFEL, on which 8 out of 10 schools rely to serve their students' financial needs at the present time. Eight out of ten schools rely on these private financing situations for students' financial needs.

The Federal Government partners with loan providers to ensure that the student loan marketplace is fully capitalized and students have access to affordable higher education financing options. This market-based approach has solidified access for student loans, preserved attentiveness to the needs of borrowers and schools, while providing valuable discounts to middle-class families.

That said, our amendment preserves significant cuts to the student loan industry. However, it does so in a tempered and moderate manner which bridges the desires of Members on the one hand to increase need-based aid for low-income families and on the other hand to avoid increasing loan costs for millions of families and doing significantly irreparable harm to the public-private FFEL Program. In addition, our amendment preserves the maximum Pell grant levels established in the Higher Education Access Act and does not reduce financial aid for students.

Many will come and speak about past grievances in which a select few in the student loan industry have been involved. I am as troubled as anyone by these past actions, and I applaud the HELP Committee for taking action in the higher education reauthorization bill to make sure these problems do not occur again.

That said, the Federal Family Education Loan, FFEL, has afforded young Americans the opportunity to attend college for over 40 years and is a critical part of making college a reality for many in the middle class. Over the life of a loan, the FFEL Program delivers on average \$2,800 in discounts and savings to middle-class Americans. Amazingly often, we speak about the magnitude of student loan cuts as if they will cost nothing. Americans rely on the FFEL Program, and I encourage Members to ask their FFEL schools how valuable the program is for students in their State. Our amendment tempers the FFEL cut, preserving \$15.65 billion in reductions to lenders.

Reports are circulating that the Nelson-Burr amendment would set aside

less money for Pell grants. What has not been relayed accurately is that the Nelson-Burr amendment increases grant aid to the exact same funding levels as the Higher Education Access Act. The amendment does not degrade the amount dedicated to Pell grants; rather, it uses a different baseline from which the CBO cost calculations are made. We assume the \$4,600 Pell grant appropriation which was accommodated in the budget resolution—the same budget resolution which created these reconciliation instructions. This assumption is less than the House of Representatives' Labor, Health and Human Services, and Education appropriations bill which funds it as \$4,700 for Pell grant maximum.

Our focus is on the end result for students. A vote for Nelson-Burr not only assures that the most needy families see the same increases in Pell grants but also helps mitigate the damage to competitive student loans that deliver savings to middle-class families and students, many of whom are ineligible for Pell grants and other aid.

Let me make the point clear.

No. 1, 8 out of 10 schools rely on the FFEL Program.

No. 2, we must proceed with caution and moderation in making these cuts because this will reduce the amount of capital available for student loans for middle-class families.

No. 3, these cuts directly impact students' and middle-income Americans' pocketbooks, those who have to rely on loans for higher education.

No. 4, our amendment does not reduce student aid or the maximum Pell grant set out in this bill, as some have said.

I urge my colleagues to join me in supporting the Nelson-Burr amendment. I ask that my colleague, Senator BURR, have whatever remaining time might be required for his remarks.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. I thank my colleague and friend, Senator NELSON. I take the opportunity to thank Senator KENNEDY and Senator ENZI, who have played the leadership in trying to find the balance of what our policies should look like—the policies of competition, the policies of access, the policies of direct Government loans.

It is not easy when there is so much we want to do, but we are confined by how much money we have to do that. It is my hope, as Senator ENZI said earlier, that we do not stop with this reconciliation bill, that we quickly reauthorize Higher Education. I believe that is absolutely essential, and many things we have in that make a tremendous difference.

Senator NELSON has done a beautiful job of laying out for everybody what is at stake. I suggest to you that what we need to focus on, more than does the loan come from the private sector or from the Federal Government or this or that, is students. This debate is about students. It is about are we going

to provide an opportunity for every child in this country who wants to seek higher education, as part of the tools they possess for their competitiveness in the future, are we going to provide that for them regardless of where they come from, regardless of the income of their family, regardless of the school they choose?

Senator NELSON stated very clearly, 80 percent of the schools in the country chose FFELP loans as their No. 1 tool to provide the financing students need to get their education.

Why? Well, one, because they are more competitive in most cases. Those that provide FFELP eliminate the origination fee. They discount the loans. In many cases they are a point or more under what the Government direct loan is.

Now, I would expect some would say since Senator NELSON and I are suggesting that since nonprofits we're reducing by 35 basis points in their spread, and for-profits 50, that 50 they can live with. They may be right. But the fact is that none of us knows. If one lender drops out of the marketplace, we have now constrained the choices and the options every student has.

I think what Senator NELSON and I suggest is, let's do 35 and 35. Let's treat the for-profit and not-for-profit in the same way. In the case of North Carolina, I should be fine with where nonprofits are, because 65 percent of all student loans written in North Carolina are done by the College Fund of North Carolina, a not-for-profit institution.

When you look at added services over and above the discount rate and the ease of doing business with the College Fund of North Carolina, and with the for-profits in comparison to the Government Direct Loan, which is Washington driven, it is bureaucratic, it is not consumer friendly, it is not responsive to the families or the students, you realize why eight out of 10 schools choose it; but, more importantly, why parents and students choose that as the No. 1 option.

FFELP has a history. It is a history that shows tremendous benefits to students and to their parents. In most areas of the U.S. economy, we find that when we encourage competition, the beneficiary is the individual who reaches a lower price point. We are saying: Let's not risk it. Let's go to where we know nobody is harmed, but let's not go further than that. Let's make sure we have incorporated into the package for those low-income families the grant proposals Senator KENNEDY and Senator ENZI have incorporated in their bill, but let's not be too punitive to the system, going into the unknown, that we actually eliminate clients who exist in the marketplace.

Very simply, our amendment focuses on students. It uses the strength of the FFELP program to say we are going to make sure the competition that existed up to this point exists well into the future.

As Senator NELSON says, our amendment cuts for all lenders \$15.65 billion over 5 years at a time when it is not just a domestic economy, it is a global economy. I believe every Member of the Senate—more importantly, every parent in America—understands, regardless of their education level, that for their kids to have an unlimited future they have to have an opportunity to get the best education they want to pursue so their opportunities in life are unlimited.

I think we can safely say with a reduction of \$15.65 billion, we feel fairly confident we can make that promise to parents across this country, that we have not diminished the opportunity for unlimited opportunities for their children. But I think it is safe to say Senator NELSON and I and others believe if you cut further and you diminish the competition in the marketplace, you have now diminished the opportunity, not just the educational opportunity but the economic opportunity, of the next generation.

I don't necessarily agree with the philosophy that if we get it wrong, there is a Government Direct Loan program to service them regardless, and they will access loans; they will access it through a program that does not eliminate the origination fee; that does not discount the product; is at least a percentage point or higher, because they have no competition; it is not user friendly; it is not responsive; its application process is not predictable. It sounds a lot like the visa process for people in the United States, for people on the outside looking in.

But the reality today is we need a system that every student and every parent understands. I have two children in higher education. I can tell you the most difficult thing is for a parent to sit down and try to figure out the application process, how to fill it out, how to qualify, and whether, in fact, you do qualify.

Senator ENZI alluded earlier to the need for additional reforms. I think we agree, in a very bipartisan way, that there are other things we need to do. But the wrong thing to do would be to hurt students, to hurt parents right from the beginning with their access to affordable education.

The spirit of where we are going is right; it has just gone a little too far. And rather than to go into the unknown and not know what the reactions will be in the for-profit market, I believe the responsible thing is to roll back the change slightly, to treat for-profits and not-for-profits the same way, to assure every family that the educational opportunities we continue to see expand for all Americans; in fact, continue in the future, and they are not limited or constrained in a way that families look at it and try to find financing.

Senator KENNEDY has proposed in this bill a number of ways to create incentives for specific individuals, and I think in most cases this approach is

embraced; as Senator HARKIN very passionately displayed, probably long overdue in a lot of cases. As we focus on how to expand it, as we focus on how to be a little more attuned to what the needs are, it strikes me we would cut in a way that might—I stress the word "might"—constrain the choices parents and students have.

It is simple: If we want to eliminate the word "might," and say it does not, all we have to do is roll back slightly the cut we propose. In doing that, we still make the investment in low-income subsidies through FFELP and other programs, we still give the assurance to every family that there is a way to finance college education, we still assure students that once they get that diploma, that diploma is the answer to the payback of that student loan, because they now have the tools for an unlimited future which brings with it an unlimited earnings opportunity.

The answer is easy. I hope my colleagues will support what I think is a very responsible amendment to a very well-intended bill. I believe not to do it is to accept the responsibility that some kids will win and some kids will lose; that the possibility exists that when you diminish competition, you actually raise the cost of education, not lower the cost; that for some who might have access today but might not have access tomorrow to anything other than the Direct Loan from the Government student loan program; that that option may be too expensive; it may be too cumbersome; it may be too difficult to understand; it may not be predictable enough; and that period of decision, as one completes a senior year in high school and potentially makes a decision about not just where they go but whether they go, that one change may influence them to say: Well, you know what, 12 years is enough.

I come from a State that has had, I think, the largest transformation in our economy of practically any State in the country. Twenty years ago traditional manufacturing drove every job that was in North Carolina, and that was in textiles and furniture. Through the changes in trade and through the creation of a global economy, I do not need to tell my colleagues where textile and furniture jobs are today, but they are not in North Carolina.

If it were not for higher education in North Carolina, we would not have re-educated and retrained an older workforce, but we also would not have the capabilities, without higher education today, to take the next generation that is coming through to give them the educational skills they need to compete in the 21st century jobs we are creating today.

You see, for a State that I felt got kicked when we were already knocked down, we moved from what was the norm in 1950 to today jobs that are being created that are in the next sectors of the economy we are just now

creating. They demand and require a different level of educational proficiency. Sure, if they do not have it, they can fill out the application, but if they do not have the educational qualifications, they will never get invited for the interview. It does them no good.

We are encouraging our colleagues today: make sure every student who fills out the application for that job has the educational qualifications to be invited for the interview because we have not diminished the tools they can use to pay for the education.

There is a lot at stake. Clearly, this Congress, this body, under the leadership of the chairman and the ranking member, have moved the ball well down the road in the right direction—Senator NELSON and I might say a little bit too far as it relates to the for-profit lenders.

I hope my colleagues will recognize that. I hope they will keep focused on the students and the parents, and if in the future we see that the spread can be rolled even further, I am sure at that point in time we will find a worthy investment we can make in students and in parents and in education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time until 12 noon today be for debate with respect to the Nelson-Burr amendment, with the time until then equally divided and controlled in the usual form; with no amendment in order to the amendment prior to the vote; that the vote with respect to the amendment occur upon disposition of the Kennedy amendment which is covered under a previous unanimous consent agreement; that there be 2 minutes of debate equally divided prior to the vote; and that the second and third votes be 10 minutes in duration.

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

Mr. KENNEDY. Mr. President, Senator ENZI and I have 7½ minutes?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself 5 minutes.

First, I thank our friends, Senators BURR and NELSON, for their interest in this issue. Senator BURR is a strong member of our committee and much involved in educational issues. We always profit from his suggestions and ideas, as well as Senator NELSON. As much as we profit generally, there are times when we do not. This happens to be that one time.

I have in my hand the pending legislation, which is Kennedy-Enzi, and the Nelson-Burr amendment. All one has to do is look on page 1 of both and they will see what the difference is. On Kennedy-Enzi, paragraph (A) is \$2.6 billion; on Nelson-Burr, it is \$1.6 billion. Paragraph (B) is \$3 billion on Kennedy-Enzi; \$2 billion on Nelson-Burr. Paragraph (C) is \$3 billion according to Kennedy-Enzi; \$2 billion on Nelson-Burr. Para-

graph (D) is \$3.9 billion; on theirs it is \$2.8 billion. The point I am making is, it is \$4.2 billion less in student aid. That is the basic point.

Is there a question about the economic stability of primarily Sallie Mae? This chart may be difficult to see, but if you look at the bottom, right here on the bottom right are Sallie Mae's own projections. All during the 1990s, at the time we made some modifications in giving the students more help, and Sallie Mae had always indicated that they were going to have more and more trouble. If you look at the end here in the blue, this is their projections in terms of their revenues and profits going out to 2006. This is their document, not ours. They are going to be financially secure in terms of the future.

The debate really is, do we want to do more for students or more for banks?

The final point I will make is, if you look at what the cuts are going to be, this chart represents for every State the effect of the Nelson-Burr amendment in reducing assistance for students. My State is \$59 million. The State of the Senator from Rhode Island is some \$16 million. But for every State in the country, this chart represents a reduction in student assistance.

The economic and financial advisers have indicated that these financial institutions are going to have ample profits. My concern is whether we have done enough in terms of the students, not have we done too little. That is why I believe students will be best served by resisting the Nelson-Burr amendment. They will benefit the most under our proposal.

If we are going to say we will leave it up to the appropriators, what are they going to do? They make certain assumptions that the appropriators are going to appropriate more money and, therefore, there really won't be a loss. If the appropriators appropriate more money, it will go to the benefit under our proposal. So Pell grants will go up and students will benefit even further. We provide effectively \$800 in terms of Pell grants. They provide \$500.

I hope this amendment will not be agreed to.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. BURR. Mr. President, one has to look a little further at what you get for the money. If you look at the non-profit world and the for-profit world, they market student loans. They educate parents about what is available to them. For any parent who has gone through the process, one of the most difficult things is, when you look at the pot of savings you have as you have seen college cost escalate, when you realize what the cost is, you realize you don't have enough. When the likelihood is between grants and loans, you are going to have to do both. Where do you go? Part of the beauty of the system of a competitive private sector is they are

competing, which means they are marketing. They are sending out information. They are educating parents and students. By the way, marketing is extremely expensive.

There is another piece to it, and it is called financial literacy, the challenge every parent and student goes through about what their responsibilities are. What is the choice we are going to leave? Are we going to take away so much money that marketing and financial literacy are no longer a benefit, a service, a tool that lenders provide? I guess some would suggest we do.

Mr. WHITEHOUSE. Will the Senator from North Carolina yield for a question?

Mr. BURR. In one second.

The solution, then, is that you let the Government entity, the direct to the student loan from the Government, be the education source. We have a long history. We don't do that well. As a matter of fact, we don't do it at all. So our expectations that financial literacy would exist or would improve would not be the reality.

I am happy to yield to my colleague.

Mr. WHITEHOUSE. I wanted to follow up, if I may for a moment, on the point raised by the distinguished Senator from Massachusetts who has just indicated that the effect of this amendment on my home State of Rhode Island would be \$16 million less in student loans available for students. I ask the distinguished Senator from North Carolina if this is, in fact, correct? And if it is correct, where does that \$16 million go that could otherwise be supporting higher education for students in my State?

Mr. BURR. Let me respond to my colleague that what Senator KENNEDY displayed was a simple mathematical calculation. We raise \$4 billion and a few in change less money out of the system, and we believe that that is a prudent thing to do based upon the unknown as to whether that would reduce competition. So we have \$4 billion less to work with. We have the same challenge, and that is, how do you invest that in a way that families and students feel the beneficial effects. I believe as you look at it and you say that money is now in the system, I can also point to the fact that the competition that exists in the FFELP program savings, the entire program, is \$6 billion a year. So if you eliminated it, the \$4 billion savings, if it were to knock out all the for-profits, you have lost it on the competition that exists in that system and the lower prices, the elimination of origination fees, the discounts, set aside the fact that we do marketing and we do financial literacy programs that only the private sector seems to be able to do.

I reserve the remainder of my time.

Mr. WHITEHOUSE. If the Senator will yield for another question, does that mean that there is, in fact, with all of that said, still \$16 million less available to Rhode Island students as a result of this amendment?

Mr. BURR. I don't know the calculations that Senator KENNEDY went through, but I have never found his charts to be incorrect.

Mr. WHITEHOUSE. I thank the Senator for his courtesy.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 50 seconds.

Mr. KENNEDY. Mr. President, the point raised is, with these kinds of cuts, will it somehow eliminate the competition? CBO said we could actually have a three-quarters of 1 percent cut and there would still be profitability in the system. We didn't take three-quarters of this. We have taken 50 percent of one and 35 percent in the other. We haven't reached the three-quarters. So under the CBO, there is going to be competition. If you take Sallie Mae's own future projections, there is going to be competition. We have included in this legislation something that is enormously important, a trial program to have real competition out there to see who will compete for the lowest possible additional payments and ensure that we are going to get the benefits for the students rather than for the lenders. That would be enormous. That would be real competition. We are not there yet. We have a trial program in this legislation. Even under the administration's own figures, we haven't really threatened any of the potential lenders.

As the chart just showed, Sally Mae, the principal figure in this, is going to have ample profit over future years. I hope every Member takes a look at the charts and recognizes what is going to happen in terms of students in their particular States because under their program, there will be important reductions in terms of that assistance, particularly in the Pell Grant Program.

Do I have any further time?

The PRESIDING OFFICER. The Senator from Massachusetts has 45 seconds.

Mr. KENNEDY. As I understand now we are going to have three votes. The last vote will be on the Nelson-Burr amendment. I believe I am correct. The effect of that will be a reduction of some \$4 billion that is provided in student aid. I hope that amendment will not be successful, and we will stay with the bipartisan recommendation that came out of our committee with an overwhelmingly bipartisan majority.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from North Carolina has 3 minutes remaining.

Mr. BURR. Mr. President, I will not use the full time yielded back. I want to once again thank Senator KENNEDY and Senator ENZI for the leadership they have shown on not just the reconciliation but hopefully on passage of a reauthorization of higher education.

Let me make this point: The fact that 80 percent of the students in this country choose the FFELP program for their student loan is a great indication of the value of this program, of the competition it provides but, more importantly, the savings that is apparent that this program provides to parents and students. If the Government Direct Loan program, which is the default, a bureaucratic, Washington-driven, loan program is the default because we have calculated incorrectly, then only 20 percent of the students are going to be happy because that is all they are choosing today. Eighty percent are going to be unhappy.

The question is, how do you influence their decision in their senior year in high school about the need, the desire, and the ability to go on to higher education?

As I look at the pages sitting in front of us, I understand it is them we are talking about. For most of us in the room, it is not about our kids because we have now aged out of that. The reality is, we have a next generation for which we are responsible to make sure they have equal to, if not better, opportunities than we as parents had. This is a time I am not willing to risk who is right. I am willing to say: Let's be cautious. Let's stand on firm ground. In this institution we have the ability to use CBO for or against us. When it is advantageous, we mention it; when it is not, we don't. I realize that. But I hope Members will use what they know and what they see. What you see with this program is, 80 percent of the students and the parents choose it. They have confidence in it. It brings real value. By the way, it saves a student \$3,000 over the life of the loan because FFELP brings that level of competition. That is worth saving, and it is worth preserving.

I yield back the remainder of my time. I don't believe we have asked for the yeas and nays, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays on all the other amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on those other amendments.

The PRESIDING OFFICER. Is there a sufficient second on the remaining amendments?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2329

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided on amendment No. 2329 offered by the junior Senator from Alaska.

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, my amendment would change the amount to be authorized and appropriated for the College Access Partnership Grant Program. It would change it from \$25 million to \$113 million for both fiscal year 2008 and 2009.

What the College Access Partnership Grant Program does is make payments available to States to assist them in carrying out specific activities relating to increasing college access for low-income students in the State.

Currently, about 64 percent of our higher income students who enroll in college get a bachelor's degree, while only 21 percent of our lower income students do so. The College Access Partnership Grant Program is specifically designed to help States put together services and benefits that are most likely to get more of their low-income students to apply for, to be accepted by, and to, ultimately, succeed in college.

The amendment is paid for by the \$176 million in excess deficit reduction funds above those required by the budget resolution.

What we specifically provide for is outreach, information on financing options, on promoting financial literacy, on assisting the students to have access to these very important programs.

I urge support of this amendment.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the good Senator from Alaska for her efforts for not only the State of Alaska but for all our States and for the initiation she has provided for this amendment.

As she has quite correctly stated, one of the great challenges is that we have many qualified students, but they do not have the knowledge or support to be able to find the educational opportunities that are out there. There are nonprofit agencies in the respective States. This will help the States reach out to various groups and individuals in their State to assist them in finding the path toward education—the provisions that are included in this legislation.

This amendment is very much needed, and it will make an important difference. We have more than 400,000 students now who are not in college who are qualified to go.

The Senator's amendment is a positive one. I hope we will support it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2329.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—73

Akaka	Durbin	Nelson (FL)
Barrasso	Enzi	Nelson (NE)
Baucus	Feingold	Obama
Bayh	Feinstein	Pryor
Bennett	Grassley	Reed
Bingaman	Harkin	Reid
Boxer	Hatch	Roberts
Brown	Hutchison	Rockefeller
Byrd	Inouye	Salazar
Cantwell	Kennedy	Sanders
Cardin	Kerry	Schumer
Carper	Klobuchar	Shelby
Casey	Kohl	Smith
Clinton	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Sununu
Corker	Lincoln	Tester
Cornyn	McCaskill	Warner
Craig	McConnell	Webb
Dodd	Menendez	Whitehouse
Dole	Mikulski	Wyden
Domenici	Murkowski	
Dorgan	Murray	

NAYS—24

Alexander	DeMint	Lott
Allard	Ensign	Lugar
Bond	Graham	Martinez
Bunning	Gregg	McCain
Burr	Hagel	Sessions
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Crapo	Kyl	Voynovich

NOT VOTING—3

Biden	Brownback	Johnson
-------	-----------	---------

The amendment (No. 2329) was agreed to.

AMENDMENT NO. 2330

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2330, offered by the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, could we have order?

The PRESIDING OFFICER. Order, please.

Mr. KENNEDY. Mr. President, as we know, under the budget, we considered the legislation for 5 years, but the results of the recommendations that came out of our committee will carry on into the future. Obviously we will have a reauthorization and the Senate will make whatever judgment, but in the meantime, we are going to make sure that those resources in the future, after the 5 years, are going to go to the benefit of students.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this is a reconciliation bill. The purpose of reconciliation is to not radically grow the size of Government but to control the size of Government. Under this bill, unfortunately, the size of Government will grow by \$19 billion. The actual savings in the bill is now down to \$750 million. So for every \$1 of savings, there is now \$19 billion of new spending—new spending. That is not the purpose of reconciliation.

What the Senator is suggesting now is that in the second 5 years, when

there is \$40 billion of new spending, that another \$2.3 billion of deficit reduction which was supposed to occur will be grabbed and also spent. This makes no sense at all. We are supposed to use reconciliation to reduce the rate of growth of Government, not to spend. This is an attempt to increase the spending, which is already \$40 billion in the second 5 years, by another \$2.3 billion, which was supposed to go to deficit reduction.

I hope people will vote against it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2330.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—52

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Coleman	Lincoln	Webb
Collins	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NAYS—45

Alexander	Dole	Martinez
Allard	Domenici	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hagel	Shelby
Cochran	Hatch	Smith
Conrad	Hutchison	Stevens
Corker	Inhofe	Sununu
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voynovich
DeMint	Lugar	Warner

NOT VOTING—3

Brownback	Coburn	Johnson
-----------	--------	---------

The amendment (No. 2330) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2337

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes for debate equally divided on amendment No. 2337 offered by the Senator from Nebraska, Mr. NELSON.

Who yields time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise to urge support for the Nelson-Burr amendment which is next in line for voting.

In a time of mounting challenges for America's middle-class families, I am urging caution and moderation in cutting funding for the Federal Family Education Loan Program which 8 out of 10—80 percent of the schools—rely on to serve their students' financial needs.

The Nelson-Burr amendment does preserve significant cuts of \$15.65 billion to the student loan industry, but it does so in a tempered and moderate manner which bridges the desires of Members on the one hand to increase need-based aid for low-income families and on the other hand to avoid increasing loan costs for millions of families and doing irreparable, significant harm to the public-private FFELP program.

In addition, our amendment preserves the maximum Pell grant levels established in the Higher Education Access Act. There is information that says it is not doing it that way. That information is incorrect.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, all you have to do is pick up the Nelson-Burr proposal and the one recommended by the committee and you will see that there is \$4 billion in cuts. Those are benefits that are going to go to students.

The question is, Are my colleagues going to support the students or are they going to support the banks? That is the issue. That is the question. Every State will see a reduction in the funding for students under this proposal. CBO has indicated, in evaluating our proposal, that the lenders, talking about the industry, are going to have profits—I will include their report—large and small alike. This is a question of whether we are going to support the students who need that help, need that assistance who are the future of our economy and of our national security or whether we are going to support the banks. That is the issue. This is the time.

I hope this amendment will be defeated.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2337. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 256 Leg.]

## YEAS—35

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McConnell
Bennett	Ensign	Nelson (NE)
Bunning	Graham	Roberts
Burr	Hagel	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Voivovich
Cornyn	Kyl	Warner
Craig	Lott	

## NAYS—62

Akaka	Enzi	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Grassley	Obama
Bingaman	Gregg	Pryor
Bond	Harkin	Reed
Boxer	Inouye	Reid
Brown	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Tester
Dodd	Lugar	Webb
Domenici	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	

## NOT VOTING—3

Brownback	Johnson	Sununu
-----------	---------	--------

The amendment (No. 2337) was rejected.

## CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I was recorded as a “yea” on the previous vote. I meant to be recorded as “nay.” I ask unanimous consent that I be recorded as a “nay.” This would not affect the outcome of the vote.

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

(The foregoing tally vote has been changed to reflect the above order.)

Mr. KENNEDY. Madam President, I see my friend from Maryland here who wishes to address us, and I hope our Members will pay close attention.

We have been making important progress during this last hour or so on some very important amendments, and we are grateful for the interest and the involvement of all our colleagues. We have a number of our colleagues who wish to address the Senate on this education legislation. We will hear from several of them at this time.

We are very grateful for all of the support the Senator from Maryland has given, and I yield such time as he might want on the legislation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I also thank Senator KENNEDY and Senator ENZI for their extraordinary leadership in bringing forward the Higher Education Access Act. I think this is one of the most important bits of legislation that we will be considering during this term of Congress. To me, it speaks to one of the highest priorities of our country, and that is making education—quality education—available to all of our families.

Affordability of higher education is a critically important issue affecting families throughout our Nation. In 1965, we made a commitment in the Higher Education Act that every family—every family in this country—should be able to send their children to college and that the financial considerations should not prevent a family from allowing their children to get the benefits of higher education in America. We enacted the Pell grants, which was a huge program at the time, opening opportunities to many families who had never had it before.

Over the last 20 years, we have seen a considerable erosion of the affordability of higher education to families in the United States. In the last 20 years, college costs have increased threefold. Yet the buying power of Pell grants has actually declined during the past 20 years. Madam President, 20 years ago, 55 percent of the cost of a public 4-year college could have been financed through Pell grants. Today, it is less than one-third. It is estimated that 400,000—400,000—children in our country each year see the doors of higher education barred to them because they just can't afford to pay the tuition and costs of going to a postsecondary school. This is important to our country.

When I graduated from college, 15 percent of the new jobs required some form of postsecondary education. Today, that number is in excess of 60 percent. This is important for the individual, in order to benefit from the opportunities of America, but it is important for our country. If we are going to be competitive internationally, we need to have an educated workforce. So this is a public investment. It is not just for the individual. It benefits our Nation by allowing it to continue to grow economically so that our standard of living can increase.

The cost of higher education can determine what school an individual will attend because the cost affects many families who may say: Gee, I know you could benefit from going to this particular college or university, but we just can't afford it, so we will try this college or university. That second choice may work and it may not.

The cost of higher education also affects the careers that graduates choose because they have these huge loans they have to repay. We have students who would like to become teachers or would like to become nurses or go into law enforcement or some other field they feel a talent for or are committed to, but they take a look at their college loans and they have to opt out in order to repay those loans. So we lose out on the creativity of those college graduates.

Finally, the cost of higher education may also affect when a graduate starts a family or whether he or she can buy a home.

This financial burden truly has affected much of this Nation—the type of country that we are—and that is why

this legislation, to me, is one of the most important that we will be considering during this term in Congress.

Fifteen years ago, about half the students in colleges took out loans. Today, that number is over two-thirds. The average debt for a college graduate is \$19,000. We have a chance to do something about it in this legislation.

I might point out to my colleagues that, along with Senator SNOWE, I have introduced the Master Teachers Act of 2007, which provides a Federal tax incentive for teachers who go into careers to help underserved areas, such as our rural areas and those areas where the schools are not meeting the expectations of No Child Left Behind—high poverty areas. That is an important bill that will help.

But we have an opportunity in this legislation to make a major difference in the affordability of higher education. I was proud to be a part of the Budget Committee, and I congratulate the leadership of our Budget Committee, Senator CONRAD, for finding a way in which we could consider this legislation and to say that our priority is in higher education and making quality higher education affordable to American families.

Senator KENNEDY and Senator ENZI have taken up that charge in bipartisan legislation that we have before us. It clearly moves us in the right direction to help families in this country and to help our Nation become more competitive.

This legislation provides \$17 billion of additional college aid to students, the biggest increase since the GI bill. Pell grants that currently max out at a little over \$4,300 will be increased to \$5,100. It also increases income levels, making more students qualified to receive Pell grants, and caps the monthly loan payment at 15 percent of discretionary income.

This is a huge improvement on affordability for families. College graduates now know they will be able to work after they graduate and can go into careers they want to go into, knowing there will be a limit as to how much they have to repay on an annual basis from their discretionary income on their college loans. That is a major policy statement we are making, that we want college graduates to go into fields where they can best contribute to our society.

It does a lot more. It protects working students. They are not penalized because they are working. That is an important policy. It encourages public service, with a loan forgiveness program for those who go into public service and commit to a 10-year requirement. I think that, again, is a policy that is important for our country—to say, yes, we do want young people to go into public service.

It is fiscally responsible. There are offsets to make sure we are not adding to the deficit. It holds colleges accountable. If the cost of a college exceeds its peers', there are ways the

public can put on pressure to keep college costs down.

This bill is very important. It helps families in Maryland. This bill will provide \$32 million in new grants next year to families in my State of Maryland, and, over the 5-year period, \$273 million in new grants.

For the historically Black colleges and universities, it will provide \$5 million in new grants next year, and \$40 million in new grants over the 5 years of this legislation.

The bottom line: More families in Maryland are going to be able to afford to send their children to college. More children will be able to go to their first preference, as far as the school they want to attend, which college or university, and will not be prohibited because of the costs. There will be more opportunities for so many families that have been left out of the American dream in my State of Maryland and more Marylanders will be able to choose the type of career where they can best add to their own self-fulfillment and to help our community.

This is an important bill. To me it speaks to the priorities of what this Nation should stand for. I am proud to urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I wish to first recognize my friend, the Senator from Massachusetts, the senior Senator from Massachusetts, on his efforts to produce this fine bill before us today. His efforts to improve higher education affordability and his willingness to make tough reforms in student lending are going to make a major difference to America's students.

One area in which this bill particularly excels is Pell grants. Pell, as we all know, is an important program. I have long supported it. I commend my colleagues for making such a meaningful investment in the Pell grant program.

We all know, whether you are middle class or poor, going to college these days is a necessity almost. Yet it is harder and harder to afford it. This bill takes care of both the poor and the middle class in a variety of ways, and makes it easier to go to college. That makes it better for the students and the prospective students who will be helped. That will make it better for their families. It will also make it better for America.

The Pell grant program is a critical resource for financially needy college students. In the 2005–2006 academic year, 5.3 million of the Nation's undergraduates received Pell grants. It makes an enormous difference to students whose family incomes are very limited. Most have incomes of less than \$20,000; over 1 million in New York alone. One of the great things about America is that we provide ladders up. We are not going to give you an escalator. You are going to have to work to

climb. But the Pell grant is a ladder. If you work hard and succeed and go to college, it will be easier for you to go despite the high cost of tuition.

This aid and improvements to the loan programs are critical. In fact, the typical student now graduates with \$17,000 in Federal student loan debt. That is a mountain of debt for a working adult, which is becoming increasingly difficult to avoid. It is undeniable that sustaining a talented, college-educated workforce is essential to our success in a global economy. College education has become almost a necessity in the world our young people are facing, and yet it is priced as a luxury. Yet, since 2001, tuition and fees at 4-year public colleges and universities have risen 41 percent. That is after inflation.

Families in New York are certainly struggling with education costs. Even after financial aid is taken into account, 33 percent of the median family income in New York is needed to pay for just 1 year of a 4-year public college. The Federal student loan programs are a critical resource for America's students. Parents deserve a pat on their back when kids graduate from college, not bills and repayments that may break them.

Families trying to afford a college education need our help, whether they be poor, working families, or families well into the middle class. That is why I was proud to author a law that allows students to deduct \$4,000 from their tuition. That is why I am proud to be a supporter of this legislation, which helps students—poor students—with increased Pell grants, significantly increased Pell grants, but also those who take out Stafford loans. We limit how much they have to pay back to 15 percent of their disposable income. That will dramatically help those kids.

Democrats have said we are going to take America in a new direction. We said we are committed to strengthening America's middle class. This bill does both of those things, and I am happy to support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Madam President, I ask unanimous consent that I may be yielded time off the bill to speak.

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

Mr. DODD. Madam President, I begin by commending our leading sponsors and managers of this legislation, Senator KENNEDY and Senator ENZI, for the leadership they provided in working on this important legislation. It is especially important to most American families, because all of us now are be-

ginning to appreciate how expensive it is to receive a higher education—tragically, I point out—and what a higher education can mean to more and more Americans—the quality of life, individual success of our citizenry, but also the collective health of our country as well when we have a well-educated population.

I have often quoted the statistic made by Thomas Jefferson more than 200 years ago that:

Any nation that expects to be ignorant and free expects what never was and never can be.

Certainly as we enter this 21st century of global competitiveness, the children of my State are not just competing with the children of Missouri, the home State of the Presiding Officer, but also competing, obviously, with children from all over the world, from Beijing, Johannesburg, Moscow, New Delhi—everywhere. This is going to be a very different world for children growing up in the 21st century. The extent we provide them with the tools and preparation necessary to compete and succeed under these circumstances—very different from what most of us have grown up with—is going to be extremely important, and the work this body does in the coming days is extremely important.

I believe the National Science Foundation reported that the abrupt changes that will come in this country will be staggering if we don't do a better job in preparing ourselves for the educational challenges that we will face in the 21st century. The cost of a college education obviously is a major factor here. It is vital for children and families and for America's long-term success. According to recent statistics, to put it in graphic terms, a person with a higher education, a college education, their earning power jumps by almost \$1 million. Not that this ought to be the sole criterion whether someone gets a higher education, but the earning power of an individual is substantially enhanced. There are other, more important issues than earning power, but certainly the issues of individuals being able to do better, provide for the long-term financial security of themselves and families is critically important. But there are issues that go beyond how much money you make that have to do with an education. We have to support the institution we embrace as Americans, as Jefferson was suggesting back in the beginning of the 19th century. I would argue even more importantly, the subtleties of a Bill of Rights will depend upon a population that embraces them, understands them, is willing to do everything they can to protect them so future generations will enjoy the benefits of our form of governance as well.

Today's tuition levels are one of the great barriers to people going on to higher education. I was stunned to learn, even in the last 2 months, the number of people in our country who completed high school, were accepted

for higher education and did not go because of financial barriers. I am told the numbers hover around 400,000 young people in this country. That is a deeply troubling statistic. If we have as many as 400,000 people in our country who cannot afford to go on to higher education despite having done everything else well, then America truly will be paying a price in no time.

The average cost of attending a public university is roughly \$13,000. The average cost of attending a private university stands at \$30,000. That is the average. I know people here can cite numbers and statistics that make that \$13,000 on average seem small and the \$30,000 on average per annum seem small.

But just think of that, \$30,000, for one individual to attend 1 year of higher education; even at a public institution, it costs around \$13,000. Then consider where the average family is in their income, and whether they have more than one child and other obligations, obviously, as they try to prepare for their own long-term financial security; not worry about health care costs, including rising premium costs, if they have health insurance. Additionally, the mortgage payments on their home with adjustable rate mortgages, all of those factors crowding in as families try to do everything possible to see to it that their children can have the benefit of a higher education.

How many families have planned and spent years and years watching their children mature and grow, with the full expectation of all the admonitions: Work hard, do your homework, get involved in things, learn as much as you can, pay attention, and all of that. Then, arriving at the moment, where they do everything they are supposed to have done, they say now we want to send you on to college, but we cannot afford to do so. Or the loans are so expensive that you will be left with such debt that the benefits of getting a higher education seem daunting, to put it mildly.

So imagine how daunting these levels are to a single parent or a family struggling on a minimum wage, for instance. You can even forget about it at minimum wage. Clearly, we must do more to ensure that skyrocketing tuition does not put out of reach the dream and the ability of obtaining a higher education.

That is why this bill is so important, maybe one of the most important bills. We have had long debates on immigration, long debates on Iraq, all very important issues. But the long-term effects of what we do on this legislation may have more to do with the well-being of our country than almost anything else in the coming days and weeks.

This bill will help us move toward a society where equal opportunity for all is more than just high-blown rhetoric. We hear too often in public speeches about doing something to make a difference in the lives of working fami-

lies. There are a number of key provisions in this bill which accomplish those goals. For example, the bill caps the borrower's monthly loan payments at 15 percent of discretionary income. While payments are still costly at 15 percent, this is a major achievement.

This cap, if you will, will make repayment more manageable and borrowers will be less likely to default on their loans, which ought to be important for the lending institutions.

This bill will also increase the auto zero threshold, as they call it, to allow additional low-income families to automatically claim zero expected family contributions when filling out financial aid forms. This change will allow students of these families to be eligible for increased Pell grants.

Too often what we have done with the Pell grants is consider these other factors, such as expected family contribution. It drives a student out of the Pell grant qualifications when, frankly, what the family has to contribute is so little that it would amount to almost nothing, and yet would disqualify them from receiving the Pell grant funding they need.

Furthermore, we have raised the cap on economic hardship deferments from 3 years to 6 years to ensure that students are not finally crushed in times of financial difficulty.

We have also strengthened our commitment to those who provide high-quality childcare services as well as all other public service employees by offering them further opportunities for loan forgiveness.

One of the items contained in this bill that I am most happy about is the increase in the Pell grant. I have been involved in this for many years. It has been terribly frustrating over the last 6, 7, 8 years to watch how little this administration is willing to support even modest increases to the Pell Grant Program in our country.

The Pell grant in this bill will be raised to \$5,100, in 2008 and up to \$5,400 by the year 2012. Frankly, that is paltry. Candidly, I wish it were much higher, especially considering what a Pell grant used to provide only a few short years ago toward the cost of a public education. The grant used to cover 80 percent of the average tuition, fees, room and board at a public university.

Today the Pell grant covers 29 percent. So even with a Pell grant you are still looking at having to come up with roughly 70 percent of the additional costs of that higher education when you take all of these factors together.

As a result, low- to middle-income students who attend college are forced to finance their education with an ever-increasing percentage of loans, including private loans. This increase in the debt burden of students, in some cases, keeps them from going to college at all. As I mentioned the numbers earlier, somewhere close to 400,000 students are not going on to higher education because of financial burdens.

This year alone, it is estimated that 400,000 high school graduates who are prepared and ready to go to a 4-year college will be unable to go because their families cannot afford it. While I continue to advocate for even greater increases in the Pell grant, I commend my colleagues for taking the first steps in getting us back to the 80-percent tuition coverage we achieved in 1975. I am pleased that Senators KENNEDY and ENZI are doing that.

Until we reach the goal of 80 percent of students' tuition being covered by Pell grants and other forms of Federal aid, many students will be forced to turn to private and direct consumer and student loans, which are also not guaranteed by the Federal Government and are not subject to loan limits.

In fact, the market for private student loans has grown significantly and is now the fastest growing segment of the \$85 billion student loan industry, as traditional sources of student aid have failed to keep pace, with both the tremendous demand and the cost of higher education.

The underwriting for private loans is similar to that used for other forms of consumer credit. This means student borrowers, who usually have little or no credit history, poor credit scores, or no parental cosigner, or whose parents have poor credit histories, will typically pay higher rates than those with good credit histories and those with parental cosigners with good credit.

In many regards, this model runs counter to the longstanding Federal purpose of student aid, which is targeting low-cost financial assistance to students with the greatest needs and those from the humblest of backgrounds, one of the great success stories of our country.

We have heard the anecdote repeated hundreds and hundreds if not thousands of times of what a difference a college education has made throughout history. We have tried desperately to make sure that no one in this country would be deprived of the opportunity of a higher education because they or their family lacked the financial resources to do it.

If you had the drive, the ambition, the determination to get a higher education, America stood ready to see to it that this pathway was available to you. It has only been in the last few years that we have allowed a situation to develop where too often those young people and those families are being told: Because you are in those circumstances, you are not going to be able to get that higher education that you need and you deserve.

As I mentioned a moment ago, 400,000 young people who will not go on to 4-year colleges, at a time when we enter a global marketplace, where we need to have the best prepared generation America has ever produced, we seem to be heading in the wrong direction.

This bill reverses that trend. Again, I commend my colleagues, Senator KENNEDY particularly, and Senator ENZI,

for their work in reversing this trend line. I hope it is the beginning of several steps that we take in the coming years.

I am further alarmed by reports uncovered by the Congressional and State investigators which detail aggressive and questionable private loan marketing practices and other unseemly industry practices, ranging from conflicts of interest to kickback schemes to consumer fraud.

I want to particularly commend Andrew Cuomo, the attorney general of the State of New York, who has taken a leadership role in this nationally, in uncovering some of these schemes and kickbacks and other financial activities that have put these loans at even higher costs to students.

I was pleased we had him testify before the Banking Committee only a few weeks ago to talk about this and the steps that we will be taking to try to correct some of those matters at the appropriate time.

I also was troubled by issues uncovered at a hearing that I just mentioned in the Senate Banking Committee that suggests some lenders may be using as part of their loan underwriting criteria subjective rankings of academic institutions, and demographic information about the students who attend these schools who, that be discriminatory and disparately impact the quality and type of loans made available to students based on their race and socioeconomic background, in effect red-lining, where they are taking entire institutions, based on some data and so forth they collect to deny individual students within those institutions the lower cost access to financial support.

That amounts to red-lining, as we saw in housing issues only a few years ago. If that is the case, and we believe it may be, we will be taking steps to correct that as well. Students seeking to finance the cost of a higher education should have access to the most competitive and affordable loans available through private student loan markets, with appropriate consideration given to the credit worthiness of the student and any cosigner, without regard to the type of institution that student chooses to attend.

Students should have full and timely access to all of the information they need regarding the terms and conditions of private student loans in order to make a well-informed decision regarding the financing of their educational needs.

Given the growth of this market and its enormous impact on the educational and economic future of student borrowers, I view it as imperative that we address these issues as part of the consideration of the reauthorization of the Higher Education Act. We should ensure that the market is well regulated and accessible and affordable as an alternative source of higher education funding for those who need the loans in our country.

We can do that, in my view, by prohibiting industry practices like rev-

enue sharing and co-branding that present conflicts of interest by providing student borrowers with better, more timely disclosure information so that students understand the rates, the terms, and the conditions of the loans they are going to receive.

We must work to make sure that private student lending practices are transparent so the public can be confident that students and families are obtaining the most competitive and affordable student loans with the fairest terms.

I plan on working with my friend and colleague, Senator SHELBY of Alabama, who is the ranking member of the Senate Banking Committee, and all members of that committee for that matter, on this bill. We are in the process of doing that now. I would say under the circumstances that this bill is coming up, we would be prohibited, under Senate rules, from raising that issue on this particular vehicle.

I do not in any way suggest that what they are doing is not the right thing to be doing, it is the right thing to be doing, but our bill that deals specifically with student financing and lending institutions will be presented at an appropriate time, possibly when the full higher education bill is before us—but we are determined on a bipartisan basis to address some of these issues, if not all of them, that I have raised briefly this afternoon.

Indeed, this bill before us provides all students with the tools that make it possible to access and afford a postsecondary education. If we are serious about leaving no child behind, as I know all of us are as a nation, then we must reinvigorate our commitment to higher education, to ensure that students have access to a higher education, to a college education.

If America is to remain the land of opportunity that all of us want it to be, then we must ensure that college is available to all of our citizenry. I hope my colleagues will join me in supporting this long overdue legislation.

I often cite the fact that in our Nation's history, it has always been a stunning commentary about our country, as it has evolved and matured over the years, that one of the very first bills that ever passed the United States Congress in the 18th century, in the early 1790s, was the Northwest Ordinance. My colleague from Colorado probably is more familiar than I, given he represents a State in the far West, but the whole idea being to set aside land for educational purposes.

The Morrill Act, which was adopted in the mid-1860s—in fact, right in the middle of the Civil War, Senator Morrill of Vermont offered legislation to create land grant colleges. So even in the midst of this great contest to determine whether we would remain one Nation, one Union, the Congress of the United States, under the leadership of Abraham Lincoln and Senator Morrill of Vermont, fought to create land grant colleges. The University of Con-

necticut is one of those institutions that provides incredible opportunities for young people all across the Nation, again understanding the value of education to our country.

So in the 18th and the 19th centuries, and then of course in the 20th century, we saw, even before World War II was concluded, the Congress of the United States passed the GI bill, which provided, of course, a whole generation of service men and women coming back from that war the ability to get an educational opportunity.

That investment in the GI bill has been repaid to the U.S. Government tenfold because of the earning power of the individuals who went through the GI bill who were able to improve their economic opportunity. The resources they paid back into our country have dwarfed the cost of that legislation.

Today we do not even think about legislation like that, given the cost, regrettably, I might add, because when you consider that 400,000—think of that, 400,000 of our young people in this country today are not going to go on to a higher education because of cost. That is, 400,000 young people who did everything they were asked to do, I presume, having been accepted on to higher education—will not get that chance because we do not have the resources or the will to come up with a system to make that possible.

We talk about being a major competitor nation in the 21st century. I promise you, our major competitors around the world are not making that mistake. They will create the opportunities for their young people to get that education. This bill is a major step to reverse that trend in our country.

There are other things we need to do, such as a proposal regarding private lenders that we will be offering shortly. I wish I could offer it today but, it would be subject to at least two points of order. So it would require a 60-vote margin to deal with it. We probably don't have a number of Members willing to go that far, I regret to say that. So I will wait for another opportunity in the coming weeks to do so. I will do that with Senator SHELBY as we work on this together.

But my hope is, shortly we will have an opportunity to present legislation that will close up some of these abusive practices that have contributed to rising costs and depriving families and their children of having the best possible arrangements for the student loans they need to get a higher education.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Mr. President, many years ago, President Lyndon B. Johnson said:

We have entered an age in which education is not just a luxury permitting some men an advantage over others. It has become a necessity without which a person is defenseless in this complex, industrialized society. We have truly entered the century of the educated man.

Those are important words to ponder as we consider the legislation now before the Senate. I thank Senators KENNEDY and ENZI for their extraordinary leadership on this issue as well as so many others, and for the opportunity I have to speak today.

I am here to talk about an initiative that revolutionized higher education in America, and that is the Pell grant. Inside this desk at which I stand are the names of Senators who have occupied it before me. I can actually open this drawer, take out the stuff in the drawer, and in the drawer I can see the names of Senators who have gone before me at the bottom. Here is John O. Pastore of Rhode Island, who served with great distinction and was my last Democratic predecessor in the Senate. It is hard to see because he was not a proud man and wouldn't write it in great big letters, but I can see, very carefully written, "Pell, RI," Senator Pell of Rhode Island. It is a remarkable thing for me to be here in this context because Senator Claiborne Pell and his wife Nuala have long been cherished friends. Senator Pell is both a mentor to me and a constant reminder of the positive impact an individual person can have through public service.

I am so glad the Senator SALAZAR from Colorado is presiding at this particular moment because I wish to describe to everyone a remarkable event that I was privileged to witness a few years ago. I was at an event in Rhode Island with a number of Senators, including the Senator SALAZAR. During that event, Senator Pell came to the tent we were all under in his wheelchair. As many of our colleagues know, he habitually uses a wheelchair now. The group became very quiet as he entered out of the respect we in Rhode Island have for this great and dedicated public servant. The Senator from Colorado, Mr. SALAZAR, went over to Senator Pell, took his hand and shook it and told him: I would not have been able to attend college if it had not been for the support of the Pell grant program. Now, I am standing here before you today, a United States Senator, thanks to the vision and foresight you showed years ago, your vision that every American should be able to get a college education.

It was an unforgettable moment then; it gives me goosebumps to recount it now. It happened because Senator Pell understood the difference that higher education could make in the lives of America's young people—from the KEN SALAZAR, who now serves with such distinction in this great institution, to those who will seize the opportunities of America in the decades to come.

Today, the program that bears Senator Pell's name is in our hands.

Each spring, high school seniors in Rhode Island and across the country wait anxiously for acceptance letters from the colleges of their choice. I have been through this experience recently with my daughter and all of her classmates. But for many American families, almost as important as those letters from the admissions office are the letters from the financial aid office. I have heard from so many families in Rhode Island who look ahead to the day when their children will go off to college and seize their bright futures, but wonder how they will ever be able to afford it without some form of financial aid, either from the institution itself or from the Federal Government.

As the cost of higher education soars higher, up 35 percent in 5 years, students and parents face ever more difficult financial choices. Many go into debt, not only through Federal student loan programs, but increasingly to private lenders. Many shoulder enormous burdens of debt that can stay with them throughout their lives. When that high school senior receives a Pell grant, money that does not have to be paid back, the dream of college becomes more of a reality.

Since the Pell grant program began, these grants have been a critical form of Federal aid that has helped literally millions of young people across this country achieve a level of education that was previously out of their reach. Unfortunately, Pell grants now represent only 33 percent, one-third, of the total cost of a 4-year public university. Twenty years ago, a Pell grant would have paid 60 percent of that cost.

As higher education for Americans has become more and more important, not just to their individual opportunities but also to our national economy and competitiveness—remember the words of Lyndon Johnson so many years ago: "We have truly entered the century of the educated man"—we need education to compete. Through that time Pell grants have actually lost value versus the actual cost of college. But the support for low-income students through the Pell grants has slid away over the years, until it is now only 33 percent of the cost of a public university. So we must recommit ourselves to making college affordable to all students.

The Promise grants created by the Higher Education Access Act will guarantee that students who qualify for the maximum Pell grant will receive \$5,100 for the 2008–2009 academic year and \$5,400 by 2011. For us in Rhode Island, this will mean \$10 million in additional grant funds for Rhode Island students next year and, over the next 5 years, \$86 million. It will also expand family access to Pell grants, better reflecting today's economic realities.

Senator Pell is part of a strong tradition of Rhode Island Senators who have committed themselves to making higher education accessible to all Americans. This tradition is proudly carried

on by Senator Pell's direct successor in this Chamber, my friend, Senator JACK REED, a champion of higher education access and affordability. I admire his work to provide more Pell grant aid for students who need it the most—those who work and those whose family income is under \$30,000.

We see in this Chamber and across the country every day—every year in September when a new group of students go off to college—the tremendous influence the work of Senator Pell has had on the fabric of our Nation and on the lives of the millions of young Americans who have used Pell grants to make their dream of higher education a reality.

I applaud this important legislation. Senator KENNEDY and Senator ENZI have worked hard together in a wonderful bipartisan spirit to put together legislation that will advance the strength of our country and the opportunity for our young people. This is a vital step and an important investment we must make in the future of America's young people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask my friend from Rhode Island to take note of the fact that we are conscious of Senator Pell's great contributions to America. The Pell grants have helped a lot of young people in unfortunate circumstances have a chance to succeed in life. It is a wonderful legacy. I know you see him from time to time, and I hope you will tell him we haven't forgotten the great contribution he made to this Nation.

Mr. WHITEHOUSE. I will be sure to do that.

Mr. DURBIN. I stand here today because of a number of things. I am fortunate to have a good family, friends, and role models, fortunate to have good luck in politics, and fortunate that in 1957, the Soviets launched a satellite. It is one of the reasons I am standing here. The satellite was known as Sputnik. Sputnik was the first satellite launched into outer space, and the United States, which thought it was the most powerful Nation in the world, stepped back on its heels, couldn't believe it: the Soviets had launched a satellite, and we knew they had nuclear weapons. A panic spread across Washington, DC, and the Nation: The Soviets are winning the space race; they could conquer the United States; if they can find a way to put that nuclear weapon into a satellite, we could never knock it down.

What did Congress do? It did something that was breathtaking and unprecedented. It decided the best way to fight the Soviets was to make sure we had a force that could equal the Soviets, not just a military force—we always had a great military—but a force of private citizens with the training and knowledge to compete with the Soviet Union and every other country that might be our enemy in the future.

There was an obscure Congressman who came up with an idea: Why doesn't

the Federal Government loan money to college students? Nobody thought of that before. It was radical. Some said it was too big, the Government was getting too involved. But he prevailed in the fear and the climate in the post-Sputnik era.

So they created something called the National Defense Education Act. It was in place in the early 1960s. The National Defense Education Act said to America's high school graduates: Go to college. Get educated. We need you in America for our future, for our defense.

Well, there were a number of young people who heard that message, and I was one of them. So I borrowed money through the National Defense Education Act to go to college and law school, at a time when I could never have afforded to do it otherwise. The terms were very reasonable. Under the terms of the National Defense Education Act, you borrowed money throughout your academic career, and then, 1 year after graduation, you had to start paying it back. So they gave you a year to get back on your feet. The interest rate was capped at 3 percent. Think about that. So I paid it back over 10 years, even though when I graduated I did not think it was possible. It turned out to be fairly simple because with my law degree and college education, I made a little bit more money, so I could pay back my student loan.

Now, repeat that story millions of times over, and you have an explanation as to why America is where it is today. We decided to invest as a nation in making certain we had a new generation of college graduates. We took higher education, which had been fairly elite to that point in our history, and democratized it. It was no longer just the smartest kids and the richest kids and the sons and daughters of alumni who were admitted to colleges and universities. Now, this kid from East Saint Louis, IL, whose mother and father went as far as the eighth grade, had his chance, and many more like me. Well, I would like to think, as I stand here today, that Government program paid off not only for me but for this Nation, and that story is repeated over and over again.

But now what has happened? What has happened is that the cost of education has gone up dramatically. I took a look at what I paid at Georgetown University in the early 1960s, and I would be embarrassed to tell you the numbers. It did not take much to get through a university in those days. You could borrow \$1,000 a year and make it through if you worked during the school year and worked during the summer and were careful with your expenses.

That is, of course, not even close to the reality of today. Whether it is a public university or private university, the cost has gone up substantially. Students, as good as they are, when admitted to those schools understand that if they do not receive a lot of fi-

nancial assistance, they will have to borrow some money. Borrowing that money, heaping up that debt, means as they graduate they have a burden they never anticipated—not the burden I faced back in 1969 but a much greater burden today for the cost of higher education.

Then the scene changed. We went from the National Defense Education Act—a Government program with a fixed rate of interest—and decided: Well, let's let the private sector get into this. And they did. First, we had an organization called Sally Mae, which was created as kind of a quasi-Government operation, which was going to be a transition between the private sector and public sector. Well, over the years, Sally Mae evolved into a completely private corporation. It is now one of if not the largest student loan lender in America. It is also one of the most profitable businesses on the New York Stock Exchange. Think of it. This lender, loaning money to our children and the next generation of Americans, is flush with cash. They are making a lot of money. They are doing it, quite honestly, at the expense of these kids. A lot of these young people sign up for loans, and they have no idea what they are signing up for.

If you think I am being critical of them, I will also quickly add that very few of us flip over the monthly credit card statement to read the fine print about what we are getting into. We just trust everything is going to work out.

Well, for a lot of young students, they sign up for loans which dramatically increase in cost. For example, it is not unusual for a student to borrow money in his freshman year and then be told: Don't worry, you don't have to pay anything back while you are still in school. The student breathes a sigh of relief and continues on and borrows some money the next year. But many times, the loans they are borrowing are increasing in cost each year while they are not making a payment. The \$5,000 you borrow in your freshman year that you do not pay back for 3 or 4 years turns out to be \$10,000 at graduation. Now, multiply that times four, and you get an idea what students are into. So the debt students carry out of colleges and universities is much higher today. Companies such as Sally Mae are very profitable, at the expense of these students.

Now, the companies—like Sally Mae—argue: Could you think of a worse risk than a recent graduate from high school? We are willing to run that risk of loaning money to that high school graduate, uncertain as to whether they will graduate or ever find a job. So you have to give us a break.

I will concede that point. But when you take a look at the actual cost of the loan, it is pretty clear this industry is doing more than covering its risk; it is making an awful lot of money.

Senator KENNEDY has been our leader on this issue. This bill we have before

us today is a bill which will dramatically change the kinds of student loans which will be available and student assistance available to students across America. I think it is long overdue. We need to make certain we have money available for young people to go to school, under terms where they can afford to repay. That is part of this bill—a big part of this bill.

The average student in America today is graduating with nearly \$20,000 in debt. In many places, that is more than a downpayment on a home. So how do we expect our kids to prosper if they spend the next 10 to 20 years digging out of a financial hole?

The Pell grants, which Senator WHITEHOUSE just referred to, are basically scholarships given to the lowest income students. It is the right thing to do to give these kids a fighting chance. Until the changes offered in this bill we are considering today, the maximum Pell grant did not change for 5 years. What happened to the cost of college education in 5 years? It went up. So students trying to make up the difference had to borrow more money.

Interest rates on a program called the Stafford loans went up last year. In fact, last year President Bush signed a bill passed in the Republican Congress which increased the interest rates on student loans. Think about that. Congratulations, recent graduate, your Government has just given you a bigger mortgage to pay in terms of your student loan. That is what we did.

We also limited the opportunity of students to consolidate their loans and bargain them into lower interest rates. My wife and I own a home in Springfield, IL. When a good mortgage rate comes along, we talk about refinancing our home. Most people do. Students, under the bill signed by President Bush, unfortunately, were limited as to how and when they could consolidate their loans and look for lower interest rates.

Even with these Pell grants, Stafford loans, work income, and, if a student is lucky enough, scholarships, many young people are forced to turn to private student loans to pay for college.

What about private student loans? I had a couple come into my office a few weeks ago. They are in the private student loan business. They said they were just trying to fill in the gaps that the Pell grants and the Government loans did not take care of.

So I asked them: "What is the interest rate you charge on these student loans?"

She said: "oh, it's about 8 percent."  
I said: "Now, is that the highest rate?"

"No. The highest rate is 19 percent."  
Quite a difference. Think about your home mortgage at 8 percent as opposed to 19 percent. Think about the possibility you will ever pay that loan off.

Oh, incidentally, something happened on the floor of the Senate that people did not notice. Senator KENNEDY did. Remember when we had the bankruptcy bill up. Do you recall what we

did in the bankruptcy bill? Let's go back in history for a minute.

There was a time when some students who had borrowed money from the Government to go to school waited until they graduated and filed bankruptcy, discharging their student loans in bankruptcy, never paying them back. We said: Wait a minute, if the Government is going to pay for your education, then you have an obligation to pay it back because that money goes to another student. It gives another student an opportunity. So we said under the bankruptcy law that you cannot discharge a Government student loan in bankruptcy.

Well, in the last bankruptcy bill, the people who are in the companies with private student loans put themselves in the same category. So if a student, unknowingly, signs up for a 19-percent college loan and then gets out of school and has an illness, ends up they cannot find a job, and files for bankruptcy, they are stuck with not only a Government loan but these private companies and their loans. They will haunt that student to the grave. That person cannot discharge that loan in bankruptcy under any conditions except the most extreme financial circumstances.

This bill is long overdue. According to the College Board, tuition, fees, and room and board at public 4-year schools have risen by 42 percent over the past 5 years—from \$9,000 to almost \$13,000.

I wish to make that point. I have fought, as Senator KENNEDY has, for better terms in student loans, larger Pell grants, more direct loans from colleges to students to take the lending institution and the middle man out of the operation, and I will continue to do it. But make no mistake, we are shoveling against the tide with this legislation. If colleges and universities decide: Well, if they are going to loan them more money at lower interest rates, we will just raise our cost—they have been doing that year after year after year. So my message, in voting for this bill, to colleges and universities is that we certainly expect them to use restraint and good judgment in terms of what they are charging students today.

Let me give you one footnote to that. Twenty-five percent of the debt college students take out of college is because of expenses at the bookstore. If you as a student sign up for a course, and you are about to take the course, you notice there are a handful of textbooks you have to buy. You go down to your bookstore to buy the textbooks and find out that textbook, which is only for sale at this bookstore, costs \$100. Not unusual. Well, it turns out in any given semester a student could end up with hundreds of dollars of debts just for textbooks.

I made a proposal, introduced a bill, which we will bring up at a later time when the Higher Education Act comes before us, that basically requires colleges and universities to disclose to

students the textbooks and the costs as part of their course offerings. Oh, textbook publishers scream bloody murder: How could you do that? How could you require us to disclose the costs of our textbooks before the students sign up for the course? And the professors say that inhibits academic freedom. No, it does not. They can pick any textbook they want.

We do something else: We also require them to put in what is known as the ISBN code. This is a universal code for a book. Why? So the students can go shopping on the Internet. Maybe they can find that textbook a lot cheaper. I do not think that is a bad idea in this day of Internet sales. Well, we do not have it as part of this bill, but we will offer it as part of the next bill. But colleges and universities which are dedicated to bringing down costs for students ought to take a look at not only tuition and room and board but the cost in the school bookstores as well.

I am pleased that the Senate is considering this Higher Education Access Act today. It is going to help a lot of students.

Many of us have been calling for an increase in the Pell grant for years, none more vocally than the Senator from Massachusetts.

Twenty years ago, the maximum Pell grant for low-income and working-class kids covered about 55 percent of the cost of a 4-year public education. Today, the maximum of \$4,050 covers 30 percent—almost half of what it covered a few years ago. The bill on the floor today will raise the maximum Pell grant to \$5,100 next year and \$5,400 by the year 2011. I am glad the Senate defeated an earlier amendment which would have reduced that amount. I think the Senate showed good judgment, understanding the Pell grant is really absolutely essential for a lot of kids from low-income families.

Over the next 6 years, this bill will provide over \$850 million in new grant aid to students in my State of Illinois. This will do a great deal to help the neediest students get a college education. This bill will cap monthly student loan payments at 15 percent of a student's discretionary income. I talked to Senator KENNEDY about this earlier, and I believe he is moving in the right direction, so that students will realize that when they graduate they will not have to pay any more, each year, than 15 percent of their discretionary income. That is going to give them some relief in terms of their repayments and give them some opportunities to choose jobs they really want.

I have run into students—and I bet the Presiding Officer has too—who really want to be teachers, and we need them as teachers. But when they end up with \$20,000 to \$30,000 in student loan debts, they take a job which pays a little bit more so they can have a basic life and still pay off their student loans. This bill is going to help stu-

dents understand they won't have to repay more than 15 percent of their discretionary income if they work in certain professions that have public importance to us.

I can't tell you the number of college graduates who have come to me asking for relief from these high monthly student loan repayments. Many of them are just starting careers and barely scraping through. So I think this is a positive aspect of the bill. It will cover teachers. It will cover those who go into public defense, prosecutors, legal aid attorneys, and many others. It will accomplish all of this, not only to the benefit of these students but to the benefit of America.

We are actually reducing the deficit with this bill, I might add, through cuts to the already substantial Federal subsidies to the lenders. The lenders are going to claim we have gone too far. A recent study shows that lenders spent less than one-tenth of 1 percent of their subsidy on benefits for borrowers. That means the average borrower saves only \$118 through lender benefits. Let's not forget that these are the same lenders who many times have been involved in the scandals we have been reading about in the newspapers; lenders like Sallie Mae, whose former CEO Albert Lord used his generous compensation package to build a private, personal, 18-hole golf course in suburban Maryland. Well, it is time for Mr. Lord and his ilk to step aside. It is time for Congress to take control of the situation again. It is time to be more sensitive to the students and their families than to the wealthy owners of these limited corporations.

An investment in education is an investment in our Nation. The cost of education is a hurdle for many students, and we can help them clear that hurdle with this bill. If America is going to succeed in the 21st century, if our college graduates are going to be ready for that challenge, we need to make certain they have the best education. Bright, hard-working students deserve the best opportunity to receive an education, and we can't afford not to invest in them. I encourage my colleagues to vote for the Higher Education Access Act.

#### DREAM ACT

I would like to say one final word, and I know the Presiding Officer is very sensitive to this issue as well. I don't think it will be possible on this bill, but I will look for every bill I can to introduce legislation known as the DREAM Act.

Today in America, we have tens of thousands of high school graduates in undocumented status. These are people, young people, who came to America as children, brought here by their parents; many of them have never known another country. They have grown up here. They have graduated high school, and they want to be part of America's future. But because they don't have a legal status in this country, they are uncertain as to whether

they can go to college and if they graduate, whether they can even work here. At a time when we are importing tens of thousands of workers into America legally, with visas, to supplement our workforce, why would we turn these young people away?

So for the past 5 years, I have been fighting for this DREAM Act. I have had the strong bipartisan support of many of my colleagues, and I thank them for it. It is basic. If you came to America before the age of 16, if you have been here at least 5 years, if you graduated high school, and if you are able to complete 2 years of college or enlist in our military, you will have a path to legalization. That is what it boils down to.

I have met a lot of these young people. I know the Presiding Officer has too. These are some of the best and brightest, the most idealistic and energetic people you are ever going to meet. They are young people who want to be part of America's future.

I have talked to the sponsor of this legislation. I am not sure we can put this as an amendment on this bill, but I wish to remind my colleagues that as we speak about college education and the future of America, we should understand there is a group out there yearning for an opportunity to make this a better Nation through the DREAM Act.

Mr. KENNEDY. Mr. President, would the Senator be good enough to yield for a question?

Mr. DURBIN. I am happy to do that.

Mr. KENNEDY. Mr. President, I have heard the Senator speak very eloquently today about the elements of the legislation and his outline of his strong, continuing, ongoing support for the DREAM Act which I welcome the opportunity to support and will work very closely with him to try to achieve this very important legislation.

I have listened to him also talk about the division that is in America—whether we are growing as one country or whether we are finding out that we are really growing as different nations.

The Senator remembers very well, in the postwar period, if you look back at the economics, the lowest income, the medium income, the highest income families—all of them moved along together. They all improved together. We had the GI Bill which, over a 6-year period, invested the equivalent of a third of the total Federal budget for the year 1951. That is the kind of priority we had as a nation in terms of education, and many believe it is the principal cause of the creation of the great middle class in our country, the backbone and the strength of our democracy, our economy, and our national security.

I listened to the Senator talk about the DREAM Act, but I have also listened to him talk about the divisions that exist in our country. This is a chart here, which is really self-explanatory, which shows that low-income students are far less likely to graduate from college. This is what is happening

today. As one who is committed to seeing that we are going to be one country with one history and one destiny, does it not underline the point that we have important responsibilities to try to ensure that all students, regardless of family income, can earn a college degree?

I am interested in, if we are really talking about the divisions that exist in our country—we see them so dramatically in the area of education—whether we have some real responsibility to try to equalize those disparities, and would he not agree with me that if we don't do that, we are going to be a nation that is going to continue to be a divided country with all of the implications that it has in terms of fairness and equality and opportunity for the future?

Mr. DURBIN. I would agree with the Senator from Massachusetts. When you consider the fact that low-income students in America today and minority students are about 50 percent likely to graduate from high school—many of them drop out—they are out there. They are somewhere in America. They haven't reached their full potential and may never.

What the Senator shows us with this chart is that those who are lucky enough to get started toward earning a college degree—and the lower income categories have the toughest time—you have to believe, as I do, that many of those students who don't finish is because of financial reasons. These are students who are struggling and doing their best. I have seen them.

I can recall a young student in Springfield attending Lincoln Land Community College. She was a young woman who had a child while she was in high school, but she was determined that she was going to make it through college. She used to take her baby with her on a bus out to our community college, which is not in town but in the outskirts, and she had to get the last bus back into town every night. When I think about the sacrifice she was making to take that baby and catch that bus and make it out there, you knew how much she wanted it, but you also knew that she was right on the edge financially at any given moment, whether she could complete her education.

So what you are doing in this bill in giving these students a helping hand is not only going to mean more college graduates but, to the point the Senator raised, it is going to result in a fairer society in America, more opportunity, so that the disparity between incomes, the highest and lowest levels in America, is reduced. I thank the Senator for his leadership.

Mr. KENNEDY. Mr. President, the Senator may remember the extraordinary work that was done in this area of education by a former mentor of his and a very close personal friend of ours, Senator Simon of Illinois. Whenever we had the debate on higher education, he always reminded me of the

great debate we had in this country in 1960.

One of the principal issues that divided the two political parties at that time was the issue of education. At that time, Senator Kennedy believed that what we ought to have in higher education is a program that is going to give assurance to every young person in this country that if they have the ability to gain entrance into any college, that regardless of their resources, they were going to be able to put together a student aid package that would permit them to go where their talent leads them. He believed the country was a lesser country unless we were going to have that opportunity. Talent was going to be lost in terms of our Nation and our people. That was basically the philosophy behind the Higher Education Act.

As my colleague knows, two years ago the maximum Pell grant covered 55 percent of the costs at a public four-year college. Of course, that has completely been reversed in recent years, with the resulting disparity we see here. The maximum Pell grant covers just one third of the costs today.

Does the Senator not agree with me that we ought to at least set the goal that ideal we had at the time of the passage of the act; that is, any young person who has the ability and wants to work, can put together whatever their family can contribute and receive the aid they need to attend college. But we ought to, as an ideal and as a nation, move toward that particular goal where we are going to give assurance to every young person that if they work hard, they can afford a higher education. This is a matter of national priority; our belief in young people, our belief in their families, and our belief in the future of this country demands it.

I was always impressed by Congressman Silvio Conte, who is a Republican, and like so many people in this body—we heard from Senator MURRAY who talked about members of her family who are all professionals now who got the Pell grants, and Senator CANTWELL, a very successful entrepreneur before she entered the Senate.

Does the Senator agree with me that this is an investment we should be involved in as a matter of national priorities, and that we ought to be, as a country and as a people, really leading the way toward having a goal of providing that kind of help and assistance to our country as well as to the individuals?

Mr. DURBIN. I certainly agree. When someone like Bill Gates of Microsoft comes and says: You have to give me visas so I can bring in foreign-trained engineers for my expanding information technology company, it really is a challenge to us. Why aren't we producing engineers here at home?

It comes to this point: Will there be the kind of support, financial support for those promising students to get into math and science and engineering

or will they be discouraged at an early age and give up on it?

The same thing is true—and I know the Senator from Massachusetts is well aware of it—when it comes to the field of nursing. We are just a few years away from being 1 million nurses short of what we need in America. As the baby boomer generation reaches a point where it needs more medical help, there will be fewer medical professionals available. We don't want to see that happen. It compromises the quality of care and also puts pressure on the United States to poach—to go after medical professionals in developing countries to attract them to the United States.

So when we talk about this investment in education, it means a lot to the high-tech industry. It means a lot to every American in terms of basic health care. It means a great deal when it comes to the teachers we need.

I had the university presidents, several of them from Illinois, in my office just a few weeks ago, and they talked about math and science skills, how that is the one thing that troubles them as they look ahead, that our students aren't keeping up in the world in terms of developing their math and science skills. How do they reach that point? Better classroom teachers, which means more young people graduating college, going into the teaching profession, who can make that call because they are not worried about paying back their debt.

It all works together. If we start cutting back in terms of higher education, arguing we can't afford it, we will pay for it for decades to come.

Mr. KENNEDY. Mr. President, finally, the Senator remembers that this body passed the COMPETE Act, which was legislation that came out of our committee—Senator BINGAMAN from New Mexico, Senator ALEXANDER from Tennessee were leaders on that bill—which had very strong, virtually universal support here, which gave focus in terms of encouragement in the areas of math and science and engineering. This is something, I know the Senator agrees, we ought to make sure we are going to invest in.

When we passed the GI bill, over those 6 years, we produced 450,000 engineers—450,000. We had three Presidents of the United States who used the GI bill, three Justices who served on the Supreme Court of the United States, and several Senators who were educated under the GI bill. This is investing in education.

We know what to do. The question is whether we have the will and whether the American people are going to be responding to this challenge.

I thank the Senator. I think we have work to do in this area. We have been able to find additional resources for the downpayment toward closing these gaps, and I give the assurance to the Senator that we will work closely with him to make sure we get the DREAM Act achieved and passed and we will

also continue to eliminate the disparities in these charts.

Mr. DURBIN. I thank the Senator. I encourage my colleagues to support passage of the bill.

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

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

Mr. ALEXANDER. Mr. President, I guess the parliamentary procedure is that I can speak on the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. Mr. President, I thank the managers of the bill for giving me the opportunity to speak. I wish to say a few words—general words—about the student loan program in our country.

The Direct Loan program—the program by which the Federal Government itself loans money to college students across our country—began when I was the U.S. Secretary of Education, and the distinguished Senator from Massachusetts was chairman of the Health and Education Committee. We had a Democratic Congress and a Republican President named Bush, although a different Bush. Senator KENNEDY will remember the Deputy Secretary was David Kearns, a very distinguished former business leader, head of Xerox. Bill Ford was chairman of the House Education Committee. Chairman Ford very much wanted a so-called Direct Loan Program. He wanted the Government to loan money to students. The law we have today is named after him. He made a great contribution to our Nation's education.

I thought about the Direct Loan Program at the time and, generally speaking, I wasn't in favor of it. There were three reasons for my skepticism then. One was that it seemed to me the enormity of the program would mean the Government—our Federal Government—would suddenly find itself being a massive bank. Ever since Andrew Jackson, the idea of a big national bank had been something our country hasn't liked. We let the private sector have the banks. The problem with the government operating as a bank was we would have to borrow a lot of money and add to the Federal deficit.

Second was the size of the student loan program. Millions and millions of students—one-half of our college students across the country—have a Federal loan or grant to help them pay for college, and may choose among any of the accredited colleges. We have about 6,000 institutions that qualify or receive students with these loans. So it is a massive administrative challenge.

I could not see how the Federal Government—the department I was in charge of at that time, the U.S. De-

partment of Education—with the personnel, as dedicated as they are—could do a better job than the private sector on such a big administrative challenge.

Finally, while I didn't know at the time, I didn't believe there was a way for the Federal Government, with its built-in efficiencies, to do a less expensive job of managing this massive program than the private sector could. I was relying on my gut instinct, which is generally that if you can find it in the Yellow Pages, the Government probably ought not to be doing it. So I came down on the side of having a federally backed student loan program, a generous one, which has grown since then, but that was managed by the private sector.

The Government can do a great many things well. Regulation is one of the things it does well. One of the things it generally doesn't do as well—with the exception of the military—is manage large programs. The result of that debate was the creation of the Direct Loan Program. In the end, I saw that as an advantage for the country because it at least would give us the opportunity to measure the way the Government would administer a loan program against the way the private sector did it. In other words, it was something we could look at and compare. That is the way we have operated over the last 15, 16 years that this has been in place.

Now, I have not changed my view on the so-called Government program, or the Direct Loan Program. I believe almost every aspect of our higher education system in our country can be viewed as a success, including the FFELP student loan program. There are roughly 3,200 lenders today participating, with a loan volume of over \$50 billion in the current year. The Direct Loan Program was approximately \$13.5 billion. The total outstanding amount of loans, FFEL and direct loans, now approaches half a trillion dollars, about \$448 billion. We are talking about an immense program that creates great benefits for students all over America.

Now, the question that is before us is, if we have this private sector program out there—and we have been debating this in committee and we have had innumerable meetings on it and we had a vote earlier today—is the subsidy for the private lenders set at the right level? Obviously, we have all agreed that it is too high. Congress agreed it was too high last year. The President agreed it was too high this year, and he proposed some cuts. Now our committee in the Senate is making additional cuts. My concern is that we are guessing what the subsidy level ought to be. We have our finger up in the wind and are making arbitrary judgments.

I am interested in the auction model that has been introduced into this bill. I think that is a useful way to find out what the private markets would tell us about what the right level of taxpayer subsidy is, so this program which loans

money to students, who aren't the best credit risks, is at about the right level. But the last auction program was a colossal failure. So that auction program may not tell us much.

Another way we might find out the proper level of subsidy would be to try to develop a body of knowledge in the same way that State utility commissions do. In Tennessee and other States—well, Tennessee is different because we have the Tennessee Valley Authority. But in most States, a State utility commission regulates the rate set for telephones or electricity, and it allows the private company providing that service a reasonable profit. Over the years despite there being a lot of politics involved, which I remember that very well—there has developed quite a body of knowledge around the idea of what is an adequate level of subsidy for private companies providing a public service, such as electricity or telephones or, as I suggest, federally backed student loans. Perhaps that is something we could do more of.

There was talk about asking the Government Accountability Office to study the subsidies in this bill. I don't know whether that sort of study ended up in the legislation. I hope it did. Looking ahead to the next time we reauthorize this ordeal with student loans, I would like to find out if there is a way to set up an appropriate way to measure what the level of subsidy ought to be for a private company.

So we have, first, the idea of the auction which might teach us something. We have the cost of the Direct Loan Program. That could teach us something about the appropriate cost. Finally, perhaps in this legislation, before it is through, if it is not already included, we can ask GAO to create indices that would help legislators make a better judgment than guessing what an appropriate level of subsidy is. We have an indication from the marketplace. Last week, an equity firm that was seeking to buy Sallie Mae, I believe, said our changes in the level of subsidy made that deal such that they felt it was not profitable for them. So as I understand it, they have backed down. That is a signal the levels we are setting in this bill may make it more difficult to attract a large number of private lenders to the program and, in effect, turn the student loan program more and more towards the Direct Loan Program.

In other words, by cutting the subsidies deeper and deeper, we will be driving banks out of the business, especially the smaller ones—the ones that serve students perhaps in rural areas or in different areas—and we might be reducing the opportunities students have to benefit from the services that these banks offer.

I know some of my colleagues would prefer we turn the whole thing over to the Government. I hope we don't do that—through the front door or through the back door—by squeezing

out all of the private lenders. My concern is not for the lenders; my concern is for the students who today get loans from 3,200 lenders. I like for students and universities to have those choices. And over the last 15 years, generally speaking, they prefer the program that involves private lenders instead of dealing with the Direct Loan Program that the Government runs. Eighty-three percent of the schools prefer to use the privately backed student loan program, and 76 percent of the student loans are originated by those lenders. Only 1,310 schools participated in the Direct Loan Program, which is a small proportion of the loan volume. The reason may be that the consumers who like choice and who like to have different options have looked at both options—the program run by the Government and the program run by the private lender—and they find, the universities and the students, that the privately operated program is better for the students.

I am here today more to talk about looking ahead, not condemning this bill or the effort that has been made here. I am here today also to say that the work of the Senate and House committees and some of the States has uncovered abuses by student lenders, some of which have been corrected and the rest ought to be. There is absolutely no excuse for that. But correcting abuses by private student lenders is one thing; cutting the rates to such a point that we end up through the back door pushing the student loan program into a Government-run program, or largely into a Government-run program, is another thing. It would be an unwise step for us to take, and if we are to consider that step, I hope we will do that on a very careful basis.

In conclusion, my opinion has not changed based on experience over the last 15 years about the merits of a program largely run by private and non-profit organizations—3,200 of them right now—to offer choices to millions and millions of students who attend 6,000 universities. To me, almost by definition, the Government is not a good manager of such a large program. In fact, if it were a Government-run program, the Government would have to contract it out.

In general, I still support a properly regulated and appropriately subsidized program that allows for the maximum number of student private lenders leaving students and universities choices.

Second, I am not persuaded that the Government-run program costs less than the student program. I know there are reports and studies which suggest that it might, but that is because we count money up here in strange ways. If you just take real dollars and compare them to real dollars, I have seen no real evidence that the Direct Loan Program is cheaper for the taxpayers than the program run through the private lenders.

Finally, I don't like the idea of the Federal Government suddenly begin-

ning to assume a debt which approaches a half trillion dollars and put it on our books at a time when we are trying to reduce the deficit.

If it doesn't cost less, and if the Government is not likely to manage it better, and if we don't need another half trillion dollars of debt in the Federal Government, then why would we want to encourage the growth of a Government-run program over a privately run program?

I appreciate the chairman being here while I am making these remarks. I look forward to working with him because he has long experience on this program and he has distinct views on it. I suggest that one of the most constructive things we can do over the next few years is try to create, either through the auction suggestion or by listening to the private markets or from the Government Accountability Office or some other way, something other than a guess about what the private level of subsidy is. Otherwise, we will be doing through the back door something that I really don't think we should be doing through the front door either.

I thank the Senators from Massachusetts and Wyoming for their time.

I ask unanimous consent to print in the RECORD some elaboration of my remarks that have to do with the cost comparisons of the Federal and the private programs, the evidence, or lack of it, that the Government can do it better than the private sector, and some questions about why the Federal Government would want to assume more debt.

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

FEDERAL FAMILY EDUCATION LOAN PROGRAM  
AND THE FEDERAL DIRECT LOAN PROGRAM

There is a lack of definitive evidence to suggest one program is less costly to the taxpayer than the other.

In October, 2005 the Government Accountability Office identified the following challenges in providing an accurate comparison of student loan program costs:

Significant re-estimates of subsidy costs over the past 10 years illustrate the challenges of estimating the lifetime costs of loans.

Certain federal costs and revenues associated with the student loan programs are not included in subsidy cost estimates, such as federal administrative expenses, some costs of risk associated with lending money over time, and federal tax revenues generated by both student loan programs.

If current assumptions correctly predict future loan performance and economic conditions, the originally estimated gain to the government from the FDLP made in fiscal years 1994 to 2004 will not materialize, and instead these loans will result in a net cost to the government. In reality, however, subsidy cost estimates of FFELP and FDLP loans made in fiscal years 1994 and 2004 will continue to change as future re-estimates incorporate actual experience and new interest rate forecasts.

While subsidy cost estimates may include many of the federal cost associated with FFELP and FDL loans, they do not capture all federal costs and revenues associated with the loan programs. Consideration of all

federal costs and revenues of the loan programs would be an important component of a broader assessment of the costs and benefits of the two programs.

It is important for policymakers to understand how credit reform subsidy cost estimates are developed and to recognize that such estimates will change in the future. Decisions made in the short-term on the basis of these estimates can have long-term repercussions for the fiscal condition to the nation.

The GAO warns against comparing the FDLP based on their short-term cash flows. Doing so may distort the view primarily because of timing—many FDLP borrowers will not fully repay their loans for another 20–30 years.

The Federal Credit Reform Act (FCRA) of 1990 introduced bias into the comparisons of the projected costs of direct loans and guaranteed loans. Therefore, the estimating methodology used by both the Congressional Budget Office of Management and the Office of Management and Budget is flawed by the requirements of the FCRA.

While subsidy cost estimates include many of the federal costs associated with FFELP and FDLP loans, they do not capture all federal costs and revenues associated with the loan programs. Because federal administrative expenses—in accordance with FCRA—are excluded from subsidy cost estimates, these estimates can underestimate the total lifetime costs of FFELP and FDLP loans. Other costs and revenues are also not considered in subsidy costs estimates, including interest rate risk inherent to lending programs, and federal tax revenues generated by private-sector activity in both FFELP and FDLP. (GAO, 2005)

The government does not really ‘make money’ providing student loans—the subsidy calculations under FCRA are not designed to fully capture the economic costs to the government of the assistance that the student loan programs provide, nor do they capture all of the effects of the programs on federal spending revenues. (CBO, 2005)

FCRA fails to appropriately value risky cash flows coming into the Treasury, such as student loan repayments. Scoring omits loan administration costs, indirect programmatic effects on Government receipts, and the risk of programmatic failures. (Budget Scoring Barriers to Efficient Student Loan Policy, Douglas Holtz-Eakin, December, 2006)

There is a lack of definitive evidence to suggest that the federal government can service loans better.

In March, 2007 a suit was filed against the U.S. Department of Education for imposing late fees on borrowers even though borrower’s payments were made on time. Overcharges were allegedly caused by a computer glitch that caused more than 3 million FDLP borrowers to be billed hundreds of millions of dollars more than they owed—though no exact amount has been stated. (Washington Post)

More than 3 in 4 schools relied exclusively on FFELP loan providers. An estimated 600 have switched to FFELP after participating in FDLP. (American Student Loan Providers)

Anecdotal evidence from financial aid professions suggest that this switch has happened for the following reasons:

FFELP provides students a choice of lenders.

FFELP allows students to pay lower upfront fees, get better interest rates and more generous repayment incentives than FDLP.

FFELP lenders offer a portfolio of unpriced borrower benefits—fee waivers, rate reductions, etc.—credit counseling, expedited delivery, superior information technology, college access in initiatives and other enhance-

ments and programs not offered by FDLP, but no easily quantified.

The Department of Education contracts out the bulk of the origination, servicing and other administrative tasks entailed in operating the FDLP. (Holtz-Eakin).

Why would the federal government want to assume more debt?

FDLP loans are funded by U.S. Treasury borrowing, while FFELP loans are originated with funds generated via private capital markets.

Federal government subsidizes FFELP loans by paying a portion of the interest costs and by providing for a guaranty to the lender against borrower default. FDLP loan funds are directly provided via the U.S. Treasury to make the same type of loans. (Holtz-Eakin).

At the end of FY 04, DL owed taxpayers \$96 billion, but had only \$86 billion in outstanding student loans to cover this debt. (FY 04 Performance and Accountability Report)

In FY 04, the federal dollars actually spent on FFELP was less than \$900 million to support the \$245 billion in outstanding guaranteed loans—less than four-tenths of a cent on ever outstanding dollar. (President’s FY 06 Budget)

Default rates for FFELP are 11.7 percent and FDLP is 16.65 percent. OMB has predicted that DL will experience a weighted average default rate 5 percentage points higher than the FFELP for FY 08. More than \$6 billion of loans in the FDLP are in default. (FY 04 Performance and Accountability Report)

Private companies may be better suited than government agencies for keeping track of borrowers, and have a greater incentive to be innovative and follow others in the industry.

Since FDLP’s creation in 1993, it has spent \$13 billion more on interest payments than it has collected in interest and fees, not counting default costs or program administrative costs. (GAO 2004).

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NOS. 2333 AND 2342 EN BLOC

Mr. SESSIONS. Mr. President, I ask unanimous consent, for the purpose of offering my amendments, that the pending amendment be set aside and that I be allowed to offer two amendments, No. 2333 and No. 2342 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes amendments numbered 2333 and 2342 en bloc.

The amendments are as follows:

AMENDMENT NO. 2333

(Purpose: To strike the provisions relating to loan forgiveness for public service employees)

Strike section 401 of the Higher Education Access Act of 2007.

AMENDMENT NO. 2342

(Purpose: To amend the Internal Revenue Code of 1986 to allow personal exemptions under the individual alternative minimum tax, and for other purposes)

At the appropriate place, insert the following:

**SEC. . ADJUSTMENTS TO INDIVIDUAL ALTERNATIVE MINIMUM TAX.**

(a) ALLOWANCE OF DEDUCTION FOR PERSONAL EXEMPTIONS AGAINST INDIVIDUAL ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(b)(1)(E) of the Internal Revenue Code of 1986 (relating to standard deduction and deduction for personal exemptions) is amended by striking “, the deduction for personal exemptions under section 151, and the deduction under section 642(b)”.

(2) CLERICAL AMENDMENT.—The heading for section 56(b)(1)(E) is amended by striking “AND DEDUCTION FOR PERSONAL EXEMPTIONS”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2006.

(b) ADJUSTMENT FOR INFLATION OF INDIVIDUAL ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—Section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by adding at the end the following new paragraph:

“(4) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2007, each of the dollar amounts in paragraphs (1) and (3) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2006’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10, such amount shall be rounded to the nearest multiple of \$10.”.

Mr. KENNEDY. Will the Senator who made the unanimous consent request—it is No. 2332 and then—

Mr. SESSIONS. Mr. President, it is No. 2342.

Mr. KENNEDY. I do not have a copy of that second amendment. I don’t intend to object. If the Senator can withhold his unanimous-consent request until I look at this amendment.

Mr. SESSIONS. I will be pleased to do so. I ask unanimous consent to call up amendment No. 2333.

The PRESIDING OFFICER. No. 2333.

AMENDMENT NO. 2342 WITHDRAWN

Mr. SESSIONS. I withdraw my request to call up amendment No. 2342 at this time.

The PRESIDING OFFICER. The amendment is withdrawn. The Senator may proceed with amendment No. 2333.

AMENDMENT NO. 2333

Mr. SESSIONS. Mr. President, the education bill before us is troubling in the fundamental ways that Senator JUDD GREGG, the ranking Republican on the Budget Committee, has pointed out, in that it utilizes our reconciliation process to, instead of containing spending and helping to balance the budget, actually increase spending substantially for a lot of new programs. I wish to talk about one of those programs today that I think should not be a part of this legislation. So I have offered this amendment to strike that provision. It is an idea that sounds good. It is something about which I have had at one time or another individuals ask me to support, always for their particular business, their particular agency of Government, and I have felt that I could not support it. One reason was, how can we justify supporting one agency of Government over another? So I guess, in one sense,

this legislation fixes that problem and covers everybody, and more. Let me tell my colleagues what it does.

The idea is, if a person pays their loan debt and they are part of a direct Government loan program, that after 10 years they could get a large part of that debt forgiven. That sounds good, but let me discuss why I think this is bad public policy, why it is a new Government program we should not start, and why it is absolutely inevitable that it will grow and cost more and more as time goes along.

Let me show how broad this program is. There would be a student loan forgiveness program that would provide forgiveness of loans to public emergency management employees, government employees, public safety, public law enforcement—these could be State, county, or local, I presume—public health, public education, public early childhood education, public childcare, social work in a public child or family service agency, public services for individuals with disabilities, public services for the elderly, public interest legal services, public library services, public school library sciences, or other public school-based services, or those on full-time faculty at a tribal college or university. That is what is included. That is a big deal. It eliminates one of my concerns of why pick and choose Government agencies; it just covers them all.

Let me express why I think there are some good principled public policy concerns and objections and why I do not think this is a good step for us to take.

For example, there is no limit in this legislation on the total amount of loan forgiveness, which creates a discrepancy between the rich and the poor. Graduates of expensive schools with a lot of debt would receive quite a sizable benefit under this program, while students who work their way through college, go to a community college, would receive nothing if they didn't have any debt.

The National Association for College Admission Counseling reports that the average cost of a community college is less than half of that for a public college and one-tenth of a private 4-year college. So who is being helped here? Half of low-income students attend community colleges while only 1 in 10 high-income students attend community colleges.

Further, the lowest priced colleges are 2-year public colleges in the West, for example, with average tuition fees of \$1,300. The highest priced colleges in the country are 4-year private colleges in New England with average tuition fees of \$28,000.

Section 401 then creates a perverse incentive to take out the maximum amount of student loans. Rather than encouraging better public policy, I submit, that would encourage students to work their way through college and families to help them make their way through college instead.

Instead of moving in that direction, this bill would clearly move us in the

direction that one would borrow more money and have the expectation that the Government will help them pay it off at some point later on.

Also, I ask why we would single out public service Government workers for this kind of benefit—there are millions of Government workers—and exclude productive citizens working in low-income jobs in the private sector who could also benefit from a similar program? Why are they left out? What principled argument is there for that? Certainly, most people working in private businesses don't have as good a retirement plan or health care plan as Government employees do. Now we are going to help them pay their tuition from taxpayers' money that comes from people in the private sector who are not getting these benefits.

Why should a public employee be elevated to a higher class of treatment of loan forgiveness than those in the private sector, those hard-working American taxpayers who are not lucky enough to have an air-conditioned office and a Government-sector job?

Public service is an honor, and as public servants, I don't think we need to ask or should think to ask to elevate our number to a higher status than that of average working Americans.

There are many hard-working Americans in the private sector who contribute to society and who would benefit from the program. I think about attorneys who need help. What about small town attorneys working hard to start a practice, or nurses, educators, inventors, small business employees, a cook who has gone to college to try to get a financial business degree so they can one day run a restaurant, department store managers who want to be CEO's one day, electricians or plumbers who want to establish their own businesses and go back to college and work their way through and keep their debt down? These people pay taxes that benefit a Government worker who has a lifetime job, probably making more than they are, certainly with a lot more job security than they would have, and countless others around the country. Why should we benefit one and not the other? These are people paying taxes too. I haven't seen that we have difficulty getting people to take Government jobs. They are pretty attractive out there, the truth be known.

So somebody goes off to a big expensive college and gets a big expensive degree and owes \$75,000 or \$100,000. Well, the Government is going to help them pay that back but not help the guy out there on the street corner trying to make a living to pay his back—the same person who is paying the taxes that are paying not only the salary now for the Government employee but now will pay their education costs. There is no principled basis that justifies them to be entitled to loan repayments more than there would be for someone in the private sector.

There is no means test for this program. It doesn't matter under this program if the public employee has millions of dollars in the bank. If you had millions of dollars in the bank, and you knew you were going to get a job where the Government was going to help you pay back the loan, why wouldn't you borrow the money to go to college instead of paying for it yourself? This incentivizes people, I suggest, perversely, to borrow money to go to college rather than working their way through or utilizing the millions of dollars they may have.

Let me say this. I am not against assisting people to pay for a college education. But we are spending billions of dollars on higher education through direct benefits to colleges and universities, loans, subsidies, and grants. Total student aid, including grants from all sources, plus loans, work study, and tax benefits from the Federal Government, increased by 95 percent in inflation-adjusted dollars over the decade from 1995-96 to 2005-06. So we are spending more to help our people go to college, by putting more Pell grants and loan money out there.

I think Senator KENNEDY's concern about abuse of the private loan program is valid. I was inclined to support the Burr amendment, but I am of the view that the program was subject to too much abuse and we needed to fix it. But I will note this about this amendment: It creates an unequal footing between the Direct Loan Program and the Federal Family Education Loan Program—Senator ALEXANDER was referring to those programs—because the only people to get benefits under this loan repayment program would have to go through the Direct Loan Program. The competition between these two programs, it has generally been held, and the Senate believes, will benefit students, and that is why we didn't eliminate the private loan program even in this bill we are passing.

So allowing loan forgiveness solely through the Direct Loan Program is not principled, I think, at all. It will undoubtedly give an advantage to the Direct Loan Program as students have no other route in which to receive loan forgiveness than to borrow under the Direct Loan Program.

Let me say this—and I didn't realize this until recently: 82 percent of the schools in my home State of Alabama do not use the Direct Loan Program but participate in the Federal Family Education Loan Program. Students graduating from my small alma mater, Huntingdon College, a liberal arts college, would not be eligible because Huntingdon is not a direct loan school. Schools choose FFELP because the private sector offers the better services, they think, and saves them money. Nationally, this statistic is around 80 percent. So 80 percent of the colleges and universities in our country are not in the Direct Loan Program, and under this plan you wouldn't benefit unless you were in it.

They say: Well, you could consolidate your loans under the Direct Loan Program and, therefore, then you could get repayment. But isn't that a tilting of the scales and a perverse benefit to the Direct Loan Program, which is supposed to be on a competitive basis to see who offers the best incentive to the students to get a good loan program? They get to choose now which they think is best. So I don't think that providing this incentive to clearly favor the Direct Loan Program and exclude the other is good public policy. I am not aware that those who voted for it understood it might have done that.

Studies show that when you extend your loan, sometimes you end up paying more interest than going on and paying them off. The Federal Family Education Loan Program is far more popular than the Direct Loan Program at present because they have tended to offer lower interest rates and quality service, but I think there are some abuses, too, and, hopefully, this bill will tighten that up.

I will conclude on this matter by saying this is the kind of program that truly, colleagues, should strike fear in the heart of anyone concerned about the expansion and growth of Federal spending and Federal programs. It will create a new Federal bureaucracy. Next year, I predict—since this bill says you have to be regular in your payment of your student loan to qualify for this program—I will predict next year we will be providing exceptions to those who have lost their jobs, who have had an illness or who have had other kinds of problems; or we will be having lawsuits and administrative hearings over whether this or that person qualifies to have part of their loan forgiven based simply on the fact they work for some Government or public agency.

If we want to help public employees, let us do it in a more direct manner. Why should we provide a benefit program that helps those who go to some expensive college, maybe don't work while they go to college, and end up with a big debt? Let's say two individuals are working at the county health department or the EMA and one of them ran up a big debt and the Government helps them pay it off; while the other one, who worked their way through college, doesn't get anything. That is not a good way to help people, in my view.

It is also, again I submit, bad public policy because it encourages and incentivizes people not to pay their way through but to borrow money. We would like to have a different incentive. Good public policy should do that. I also see no principled basis to provide this benefit solely to the Direct Loan Program and not to the other loan programs. It is a clear tilt from one side to the other when 80 percent of the American colleges and universities are not in the Federal Direct Loan Program.

So I would say, first of all, the way it is structured today it will not be a

huge, costly program for our country, but it is not based on good principles, No. 1; No. 2, it is going to be expanded, you can be sure, in the future; and No. 3, it will create another bureaucracy, another Government program, when we already have Pell grants and loan programs that we are pumping more and more money into every year.

I suggest if we have ideas about helping people with their loans, we focus on existing loan programs and not create this one that is unprincipled in its results.

Mr. President, has Senator KENNEDY had an opportunity to think about that other amendment I was going to call up?

Mr. KENNEDY. If the Senator will be kind enough to let me examine it. That is dealing with the alternative minimum tax and deductibles that, quite frankly, as I was thinking about it, the Finance Committee deals with, and they would probably be the most valuable to try to address this. If we could deal with this first issue first, and then, if I might, try and get some member on the Finance Committee to come over and respond to the Senator's question because I think it deals with the alternative minimum tax.

I am not trying to delay, but I see the Senator from Maryland is here and would like to speak. I will be glad to respond to the Senator's presentation and move ahead in a timely way.

Mr. SESSIONS. Mr. President, reserving the floor—I believe I still am recognized—I know Senator KENNEDY has never offered a finance-related amendment on a bill that hasn't cleared the Finance Committee.

I am teasing a little bit because we all knew this bill is open to this kind of amendment, I think, and that is why I wanted to offer that AMT fix. We have voted on it before. It is something that I think we need to be more educated about and that is the reason I wanted to offer that.

I will not offer it at this time, if Senator MIKULSKI wishes to speak on the education amendment, but I hope that will not bar me from getting the floor a little later and seeking to call up that extra amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak enthusiastically in favor of the Higher Education Access Reconciliation Act and to also speak against the Sessions amendment to eliminate the debt forgiveness program for entering public service.

I can't tell you how happy I am today to be speaking on legislation helping our young people have access to higher education. Finally, after a very dark week, where we were gagged and muzzled from trying to deal with bringing the Iraq war to an end, we now have an open debate on how to achieve the American dream. This is what I came to the Senate to be able to do. This is

what the voters wanted us to do when on November 7 they held a national referendum and put the Democrats back in charge so we could change the tone, have a civilized debate such as we are, and also to change the priorities—and changing the priorities Senator KENNEDY has, by leading us in a direction where we can expand opportunity for our young people without expanding our deficit.

We will not expand our Federal deficit and we will help families not expand their family deficit, as they try to help their kids achieve higher education. This legislation pending before us today should be passed in a swift, expeditious, uncluttered way. This bill is absolutely a great bill for students and it is a great bill for America. It gives our students access to the American dream. It gives our young people access to the freedom to achieve, to be able to follow their talents, and to be able to achieve higher education in whatever field they will be able to serve this country. We do it by providing an increase in Pell grants.

But the bill is also fiscally responsible as well as socially progressive. It cuts subsidies—big, lavish, bloated subsidies—to banks. In eliminating these bloated, unneeded subsidies in today's era of cheap money, what we are able to do is put that back into student aid. So we up the student aid, but we don't create more borrowing in order to do it.

The bill also has other reform elements to it. It reforms the application process. Anybody in here who is a mom or a dad—or an Aunt Barb—knows that, boy, is that process complicated. You almost have to have been to college in order to apply for student loans to be able to go to college.

The other thing it does is it keeps an eye on those colleges and universities. We have seen tuition creep—we have seen tuition gallop—to where now there is an ever-increasing escalation. We worry if we increase the Pell grants, are they then going to increase tuition? So there is reform methodologies in this, and we salute Senators KENNEDY and ENZI for being able to do this. So this is why I am so enthusiastic about this bill.

As I travel around my own State of Maryland and I talk about what we want to do with our Federal legislative initiatives, I often say to audiences—and I say here today to my colleagues—we in this country enjoy many freedoms—the freedom of speech, the freedom of press, the freedom of religion—but there is an implicit freedom our Constitution doesn't lay out but which brings people to this country and excites the passions and hopes and dreams and that is the desire and the ability to have the freedom to achieve; to take whatever talents God has given you, to fill whatever are the passions in your heart, to be able to learn so you can earn and make a contribution. That is what I call the freedom to achieve.

The freedom to achieve should never be stifled in this country because of economic reasons. Your freedom to achieve should never be determined by the ZIP code you live in, by the color of your skin, or by the size of your family's wallet. It should be, in a democratic country, that everyone has access to be able to do that. That means affordable education. That means access to the opportunity ladder that students and families can count on, because we know a degree is something no one can ever take away from you.

When I was a young girl at a Catholic all-girls high school, my father and mother encouraged me to seek higher education. My father's grocery store had a terrible fire, and I offered to not go on to higher education but to work in our little family grocery store. But my father said, no, Barb, you have to go, and your mom and I will find a way, because no matter what you do or what in life happens to you, no one can ever take that degree away from you. As your father who wants to help you and to protect you, the best way I can protect you is to make sure you will be able to earn a living all of your life.

My father gave me the freedom to achieve. But tuition costs were different in those days, and now people rely upon student loans or student assistance. That is what we need to continue to do.

We also know when we are helping our young people, or not-so-young people who return, the value of higher education doesn't only accrue to the individual, it accrues to the Nation as a whole. Every time we help someone be able to go on and have that freedom to achieve, we might be educating someone who is going to find the cure for cancer. We are going to be educating the cop on the beat who might save that old lady from being mugged. Whatever we do, that education lifts not only that person but it lifts the level of attainment of the Nation as a whole.

That is why this is an important public investment. This is why on this day, this week, we finally have some light coming into the Senate.

We know higher education is a great opportunity. As I said, this means there will be people who are young and not so young who will bless us for what we are doing today. Getting a college education is the core of the American dream, and I am going to be sure that every student has access to that dream and make sure that when they graduate, their very first mortgage isn't their student debt.

My colleagues have spoken eloquently about how often that debt is \$20,000 or more. I know in my home State college tuition is on the rise. The tuition at the University of Maryland, a land grant college, has increased by almost 40 percent since 2002. Financial aid is not keeping up. Pell grants now only cover 30 percent of what a 4-year public college costs, but 20 years ago

those Pell grants covered 80 percent of the cost.

We look at our families, our middle-class families, and they are stretched and they are stressed. Families in my State are worried about many things. They are worried about their jobs, worried about the cost of raising a family, gas prices are up, the cost of utilities is up, the cost of health care is up—you name it, everything is up but wages. They are racing from carpool to work and back again. While they might be taking care of mom and dad who need assisted living, they are also wondering how are they going to assist their kids to go to college so they are assisting their kids with learning how to earn a living. Our families need help. By gosh, I believe that help begins at home.

This is what this legislation does. It will increase student aid by increasing Pell grants from \$4,300 per year to \$5,400 per year. It is a \$1,100 increase. This is wonderful. That is already a \$5,000 break over a 4-year program. If you are looking at a community college, this could help you pay for this. For so many of our young people, the community college is the first access to higher education.

These families and these students will know exactly what this means. The simple expansion of Pell grants is going to take that opportunity ladder and take that first rung and make sure it is reliable and stable.

There are other important aspects in this bill in addition to that. I am so proud we have extended our deferred loans for our men and women in the armed services. Under the old law, servicemembers could only defer their student loans for 6 months. They are fighting in Iraq. I think we ought to defer it indefinitely, but we will take what we can get in the law. That is an important step.

I want to say a word about the comments about public service. Why is it every time we talk about public service jobs it is in a snide and snarky way? I am tired of people talking about public service jobs in a snide and snarky way. Somehow or other, in private sector jobs you work hard. I know for those hedge fund managers, walking down that rugged terrain of Wall Street, fighting their way to get a latte, is tough work. But why is it if you are an FBI agent we are going to talk about you in a snarky way? What about if you are a nurse in the VA helping fit that prosthetic device for that injured warrior coming back? We have to remember that civil service is honorable and civil service is hard work, and public service makes contributions to the public good.

I hope we then in this debate also follow the kind of rubric that has been developed by our colleague from Ohio, Senator VOINOVICH. He is worried, too, about all the retirements that are coming in civil service. We are going to recruit, but let's talk about specifically what this does. This is debt forgiveness where we are facing shortages. We are

talking about debt forgiveness in law enforcement. Law enforcement all over the United States is facing shortfalls in recruitment. There are people who no longer want to be cops on the beat because it is a dirty, dangerous job. We have a shortage of nurses. Let's talk about our teachers—oh, our most important asset is our children. We will not pay to recruit and retain, but we will overregulate our teachers. We have to be able to get them in.

When we talk about the fact that if you are an elementary schoolteacher or you are that preschool teacher who gets our kids reading ready, often they are very poorly paid, paid less than if they had worked in fast food operations. We have to help our teachers.

Then I want to talk about an area that is very near and dear to me, the nursing shortage. I have worked on a bipartisan basis with the Senator from Maine, Ms. COLLINS, on how to deal with the nursing shortage. It is now achieving a critical mass. Over 40 percent of our nurses will be retiring in a very short time. It is difficult also to retain our nurses. We need to be able to recruit and retain our nurses.

When we hear about: Why don't they work their way through? Let's work our way through. Have you ever been to a nursing school? Have you ever been in a nursing school? I have. Nursing school is tough, demanding, unrelenting. If you are in a nursing college program, whether it is a community college or a 4-year college, you have to do your lab work, you have to do your clinical work. You can't take time off to go work to earn that tuition. You have to be there learning to be a nurse. There is practically no way that, if you want to be a nurse, an x-ray technician, an occupational therapist, a physical therapist—anything in allied health—you can take time off to work your way through. But you are mounting debt. This is a way that gives you a break.

I believe in giving help to those who will be able to help us in our community.

To finish my point and my momentum here, I believe the Kennedy approach on student debt forgiveness is wise and prudent, and I believe can be implemented in a way that does not create abuse. Let's respect public service. Let's try to deal with the fact that we are facing critical shortages. Let's also begin to work together to solve our Nation's problems.

We are willing to spend thousands of dollars to recruit in critical areas in the military. I happen to support that, to keep that sergeant, to recruit that lieutenant and so on—I absolutely think we should.

I urge the passage of the Higher Education Access bill and at the same time the defeat of the Sessions amendment.

I yield the floor.

Mr. KENNEDY. Will the Senator from Maryland be good enough to yield for a question?

Ms. MIKULSKI. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. The Senator is familiar with the fact—I am wondering if it is true about the students in Maryland—the average indebtedness of a student now graduating from a 4-year college has gone up significantly from 1993, from \$9,200, to 2004, where it is over \$19,000. It may vary in different States, but by and large the average is about \$19,000.

Let's take the starting salaries.

Ms. MIKULSKI. First, if I could respond to the Senator, that is exactly right. We are experiencing the same situation for that level of public indebtedness in our public universities. If one would then go on to a private university such as Johns Hopkins, it would also be substantially more.

Mr. KENNEDY. So the Senator understands, if you go on to medical school, more often than not you are probably closer to \$100,000, by and large, by the time you finish medical school. But let's take the average college graduate, someone who might have gone through community college and then gone on to finish 4 years of college. They are ending up with about \$19,000 in debt.

Is the Senator familiar with the fact that here in Massachusetts, a starting teacher gets paid \$35,000 a year? Let's take a social worker in Tennessee. He or she earns \$33,000. A public defender earns \$43,000. They obviously have to borrow more because they need the additional professional training. This example here is of a public defender in Indiana. Their debt is \$51,000.

Now, as I heard the Senator from Maryland, and we could go on across the line in terms of some of the areas of public need in this country, but if we take a school teacher, if we take a public defender, the size of their debt and the size of their income, is there any question in the Senator's mind those individuals, with that kind of debt and that kind of salary, that virtually that kind of obligation to repay at the present time is going to effectively make it impossible for those individuals who might want to go into those professions to do so?

Ms. MIKULSKI. I would be happy to respond, if the Senator would allow me to focus on the allied health professions of which I am quite familiar, that it affects, first of all, when you look at what you could owe, it affects your major. So if I want to major in nursing, or where there is another shortage, x-ray technology, and you look at what you are going to owe, well, you will take perhaps an easier path, and something that will be more lucrative at the end of graduation.

So it starts in the freshman year when they are looking at that. Second, let's go to another issue in nursing. As the Senator knows, we have a problem with having enough people to teach nursing. That requires graduate training, master's, plus doctoral. Well, if you come out and you owe this bucket of bucks, and you are trying to pay off

your undergraduate loan, working the terrific shifts the nurses work, and you are thinking about graduate school, you are not going to go get a master's or a doctorate to teach nursing, and we have little in the way of helping you. So we are, No. 1, affecting the shortages we have in these areas, and we are also exacerbating the people who would then have to go on to graduate school to teach the very people we need to teach.

Mr. KENNEDY. Well, let me ask the Senator something.

Ms. MIKULSKI. Does that help?

Mr. KENNEDY. That is certainly both understandable and expressing the reality of today. Say we are trying to attract a math teacher or a science teacher. We understand that if we are going to be competitive in the world, it is going to be in the new industries, the innovative industries. I do not know what it is in Baltimore, but I can tell you in Boston, it is difficult to get good math teachers to teach in our public school systems. It is very difficult to get good science teachers in there and good chemistry teachers to teach in there.

In the sciences, it is extremely difficult, because if someone is going to have the ability to be a good teacher, understanding their course structure, they are going to have to graduate from college, and then they may even have to go on to earn an advanced degree.

Now if they are still going to be paid a very modest salary, what do you think that math or science teacher is going to do? Do you think they are going to go to work in the private sector for \$100,000 a year or go and teach the citizens in Baltimore or the citizens in Boston at a very modest salary?

What do you think is in the best interest of our Nation in terms of its competitiveness?

Ms. MIKULSKI. I can answer that, Senator, because we see it every day in the State of Maryland, which has a profile not unlike the State of Massachusetts. We have schools in the Baltimore-Washington corridor that are desperately, as of now, in getting ready for the school year, recruiting people in math and science, both at elementary and high school.

We also have a robust science program in the private sector. First of all, we have defense jobs, we have biotech jobs. If you are working as that science teacher at \$38,000, with this big debt, you can go to work in pretty interesting private sector jobs, some under Government contract.

As we like to say, Government work is often getting contracts with the private sector. They are going to walk out and they are going to take the \$70,000, the \$80,000 or the \$100,000, not because of the money, they want to pay down their debt and they want what everyone else wants, the ability to have a family, buy a home. You know, a starter home now in our community is \$400,000. That is starter—starter.

Can you imagine that? So, of course, they are going to make those choices, or, if they do come, they stay a very short time, a very short time.

So we think that this is a good way to get them into teaching and get them to stay in teaching. We believe that once they come, and once they stay a few years, they will stay for a while, particularly if we help them follow their dream, while they are helping these other young people to get ready to follow theirs.

Mr. KENNEDY. Finally, to the Senator, in this legislation, we have provided individuals in public service professions with loan forgiveness. We are talking about those working in public safety; we are talking about law enforcement; we are talking about public education, early child education, and child care.

We are talking about individuals who are going to work with the disabled and the elderly. The Senator has spoken so eloquently about the changing demographics in the country, and increasing concerns for our elderly to make sure that there are going to be alternative choices for those elderly people such as independent living. This bill also provides loan forgiveness for those in public legal services, library sciences, school-based service providers, and those who work at tribal colleges.

These are areas where there are critical shortages. Would not the Senator agree with me that these represent—represent—professions which are making a difference for other people, for other individuals? If we are able to have dedicated, competent, able, gifted people who work in those years, we are going to be a better Nation for doing it.

Ms. MIKULSKI. The Senator has pinpointed exactly the point I wished to make. These are in fields that are making important contributions to the public good, be it public safety to health or public health, the education of our children at all ages, pre through 12.

I do not know how it is in Boston, but we are experiencing a spike in violent crime in Baltimore. We have a considerable number of vacancies in the Baltimore City Police Department. At the same time, they have tried to cut the COPS Program, local law enforcement—the subject of another debate on appropriations. But I will tell you, Mayor Dixon is out there, we are trying to recruit. If we are going to fight crime, fight crime with police officers in the way of enforcement, you fight crime with education and other professions.

So you have pinpointed it exactly. That is why I can understand some of the flashing yellow lights raised by the Senator from Alabama.

I wish to say one thing. I spoke out about my mother and father. Sure, I helped them at the local grocery store. But I was working as a child abuse worker. When your brother was elected President, I was working as a foster

care worker at Catholic Charities. I wanted to prevent family breakups. I went to work at the Department of Social Services. I was a child abuse worker for a couple of years. That is pretty tough, what those social workers do.

But I wanted to go to graduate school so I would know how to do better, so I would be more effective, so I could intervene. Well, I was an emancipated adult. Graduate school at the University of Maryland was getting underway.

But thanks to the war on poverty, and thanks to a grant at the National Institutes of Health—again, which your brother started, and you have so steadfastly continued, community mental health—there were community mental health grants for BARB MIKULSKI to go to the University of Maryland and get her master's in social work.

Well, given my style of debate, people might not say I have a "therapeutic" personality, but I will tell you what I learned on the streets of Baltimore as a child abuse worker and what I learned with my program at the University of Maryland, I think that Baltimore is better because of what I learned. But I could not have done that, nor could I have taken out those loans—I was already an adult—to be able to do that, had not the U.S. Government said: We are willing to invest in you if you are going to put your heart and soul back into America.

I say hats off to those programs that give all those other programs that chance.

Mr. KENNEDY. I wish to thank the good Senator from Maryland. She has a way of speaking and taking complicated issues and simplifying them and getting to the core and the root of them. She has done so in a very important way, which addresses an underlying aspect of the Sessions amendment; that is, the value of work in the public sector, the value of work in the public sector as differentiated from the private sector, because of the value it makes and the difference it makes to other people.

That is what we have tried to do in this legislation, in providing the loan forgiveness.

I wish to thank the Senator for her eloquence, and I wish to thank her for helping on this particular amendment. Effectively, the Sessions amendment would eliminate the provisions in this legislation that say that after 10 years, after 10 years of working in the public sector, the remainder of your loan would be canceled.

Now, that is the provision he has made. Now, a couple points I wish to address in terms of the Senator's representation. The fact is, in the legislation there is what we call an income cap. The earnings have to be less than \$65,000. So if you go to work in a public service place and somehow you earn in excess of \$65,000, you do not have your loans forgiven.

So this is targeted to the kind of individuals whom Senator MIKULSKI has

talked of, the examples we have given out here, those who are in law enforcement, those who are teachers, those who are working in the nursing professions, those who are working in special needs; those provisions on page 30 of the legislation.

We feel strongly that this loan forgiveness is a critical part of this bill, and this is the distinction we draw from the Sessions amendment, and it has been stated so eloquently by the Senator from Maryland, the distinction between the public and the private sector and the great needs we have in terms of the public sector. That is very important.

I wish to remind my friend from Alabama, according to this legislation, he is one of the fortunate Senators in higher education, the increased grant aid for students for the State of Alabama is going to increase to \$442 million over the period of the next 5 years. My own State of Massachusetts is \$319 million. Alabama has come out very well, one of the most favored States in terms of the totality. We always try to look out after the Senator from Alabama and Alabama. I thought the Senator would be interested in that.

Mr. SESSIONS. Would you yield for a question?

Mr. KENNEDY. I would be glad to.

Mr. SESSIONS. I have supported the loan programs and the Pell grants. I like the Pell Grant Program. That is focused on a person of lower income. We probably do have lower income students in Alabama, and we probably benefitted nicely under the Pell Grant Program compared to more blessed States such as Massachusetts.

I simply would ask the question, the question I raise is: If you have two persons in nursing school and one is maybe already a nurse but trying to get a higher degree and she works and keeps her debt down, the one who does not do that gets more benefit than the other. It does only favor those in the public sector and not in the private sector.

I believe this bill continues the emphasis, which I support, on maybe having better Pell grant provisions for those who do math and science and some of the areas in which we have shortages. I believe it goes further than that, does it not? I know we did that last year. I think that was a good step in trying to help deal with shortage areas.

Mr. KENNEDY. I thank the Senator. I am a very strong believer in the nursing profession, and have been. I think they are the backbone of our whole health care system. We provide relief for nurses in this bill, whether they are in the public or private sector. For those in public health, there is loan forgiveness after 10 years in the profession. And for all graduates, we provide income-based repayment, which caps their monthly loan payments at 15 percent of their discretionary income. If a nurse works in the private sector, works at Mass General Hospital, gets a

good salary there, or works out in the community in terms of trying to work with foster children or otherwise, they would both get some kind of student loan debt relief under this bill.

But on the loan forgiveness, the Senator is quite correct. We have targeted those individuals who are going to be working in what we consider to be the public sector, for the common good, for a larger sense of purpose for the country, as expressed so eloquently by the Senator from Maryland, to be eligible for the forgiveness. That is the point the Senator has made.

For example, under this bill, as I understand, a public school teacher in Alabama who earns \$31,000 and the average loan debt in Alabama is \$17,559, they could have the loan payments capped at 15 percent so it reduces his or her monthly payment by \$59, from \$203 to \$104. That is about a 30-percent reduction which is not insignificant. Then after 10 years of teaching, under our legislation, all the remaining debt would be forgiven. In this case, a benefit of some \$10,000, which is very significant. But they would have to teach for 10 years to be eligible for this. We think this is a better investment, a better trade, than continuing to give so much in Federal subsidies to the banks. We have taken it effectively from the profits of these lending institutions, and we see they are going to survive. We have the CBO figures that show that they are. We have their own figures, for example, from Sallie Mae, that show even with this legislation the profits they are going to make over the next several years. We think this is a good trade. This is a good policy matter.

I saw the Senator from Alabama leave the Chamber. I haven't talked with my friend and colleague, but we will be ready to move ahead and vote on that at the appropriate time. We will talk with our colleague and see if we can't figure out the best time to address this issue.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield time from the bill to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I am speaking on an amendment that I will call up later. It is amendment No. 2334. It is the Coleman-DeMint-Thune-Inhofe amendment that would prohibit the FCC from reinstating the so-called fairness doctrine.

The amendment says:

The Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present opposing viewpoints on controversial issues of public importance, commonly referred to as the "Fairness Doctrine".

For those students following debate on the education reconciliation bill, they may well wonder what the fairness doctrine controversy is all about.

After all, this bill is about the podcasting, blogging, U-Tubing, channel-surfing generation that knows nothing but choice and vigorous freedom of expression. These students have grown up in today's info-tech world of rich and diverse media sources, in which they, just like the rest of us, can get the information they want, how they want, and when they want it—free of any government content restriction. I want to keep it that way. It hasn't always been like this. It was only 20 years ago that we did away with the fairness doctrine.

On its surface, the fairness doctrine sounds harmless enough, but at its core, the fairness doctrine would threaten our constitutional right to free speech and fundamentally undermine the workings of our democracy.

The Government has no place monitoring ideas on our public airwaves and penalizing broadcasters who don't meet the Government's definition of fair and balanced. There is a reason why our first amendment is freedom of speech; because all freedoms are at risk when Government monitors and controls the broadcast of ideas.

That is why I will be offering this amendment which will protect American's constitutionally granted right to free speech. After all, what sort of message are we sending to our future leaders when there are some on the other side who are seeking to restrict free speech?

Our Founding Fathers knew very well the importance of free speech to our Nation's democracy.

The genius of our system of Government is the conscious choice to leave decisions in the hands of regular people, by explicitly restricting the power of Government to make them. It is not by coincidence that the Framers of the Constitution established free speech, along with freedom of the press, in the first amendment. They come together in the first amendment.

Beyond first amendment principles, there are also market principles at stake. Since the end of the fairness doctrine in 1987, talk radio has flourished because of consumer-driven market demand, not because of Government command, not because of Government control. The history of the fairness doctrine is actually one of chilling freedom of speech. The reality is, if you are a broadcaster and you know that you have a Government regulator monitoring what is on your channel, your station, a pencil and paper in hand and marking with probably a stopwatch the amount of time that you discuss idea A, and then all of a sudden if you don't give what the Government regulator feels is the right amount of time to give a varying opinion to subject A, in the end you risk penalty. You put yourself and your business at risk.

The reality was during the years in which the fairness doctrine was in play, it chilled freedom of expression. Some folks probably would say: Let's just play country music. Let's just do

something else, but let's not talk about things because it is going to put us in jeopardy, put our livelihood in jeopardy. That is not what America is all about.

At the end of the day, there is nothing fair about the fairness doctrine. The issue is not which broadcaster is fair and which one is not: the issue is who makes that decision.

I believe fairness is what the American public decides is fair, not some Washington politician or bureaucrat. Americans love a fair fight but there is nothing fair if the intent is to silence debate just because a Government bureaucrat or politician disagrees with it and then employs a Government bureaucrat to chill the expression of ideas.

In the end, our Nation, our democracy, is best served when we let competing ideas enter the political marketplace freely, and let the best ideas win.

One of my hometown newspapers, the St. Paul Pioneer Press, put it well the other day when it said in an editorial entitled "Fairness is beautiful, especially when it's optional":

... let the gabbers gab—right, left, center, wherever—without government-imposed balance. Americans can make listening and viewing decisions according to their own sense of what is fair. To have faith in the marketplace of ideas—as we do—is to believe that, over time, good ideas will rise by their merits.

We live in an age of satellite radio, of broadband, of blogs, Internet, cable TV, broadcast TV. There is no limitation on the ability of anyone from any political persuasion to get their ideas set forth.

The public, in the end, will choose what to listen to, and that is their right. It is not Government's right. It is not Government's obligation or responsibility to monitor and regulate that. That is very dangerous.

The fairness doctrine is a flawed idea from a bygone era that has no place in today's information age. My amendment seeks to continue to protect Americans' right to free speech and to allow for our broadcasters to contribute to our national dialog without Government censorship, without Government demand and control. That is the beauty of democracy. It is the world to which the students we will improve with this reconciliation, which contains a lot of good things, will go. In the end we want to have people who have access to the free flow of information. We want to have old people who have access to the free flow of information. We don't want to step back into a bygone era where Government was monitoring ideas, monitoring content. That is very dangerous.

I will ask my colleagues at a later time to support this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may be permitted to proceed as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. COCHRAN. Mr. President, I have been very deeply disappointed with the response of Senate Democratic leaders to the President's nomination of Judge Leslie Southwick to serve as a judge on the U.S. Court of Appeals for the Fifth Circuit.

I had expected that his nomination would move expeditiously through the Judiciary Committee and the Senate. He is eminently well qualified. But the opposition of some members of the Senate Judiciary Committee and some outside political interest groups has slowed action on the nomination.

I have known Leslie Southwick for 30 years. His qualifications are beyond question. During his distinguished career, as a lawyer and a State court judge, he has earned the respect and admiration of liberals and conservatives, Democrats and Republicans, as well as fellow lawyers and judges who have worked closely with him and who know him well.

He is fair and thoughtful and would be an outstanding Federal court of appeals judge. The judiciary would be well served by his leadership and his knowledge of the law. He will reflect credit—enormous credit—on the Federal judiciary.

He graduated cum laude from Rice University in 1972 and from the University of Texas School of Law in 1975.

Following law school, he clerked for the chief judge of the Texas Court of Criminal Appeals in Austin and then, in 1976, for Judge Charles Clark on the Fifth Circuit Court of Appeals.

The next year he began the practice of law in Jackson, MS, with the firm of Brunini, Grantham, Grower & Hewes, one of our State's most respected law firms. He quickly became a respected member of the bar.

From 1989 to 1993, he served as a Deputy Assistant Attorney General in the Civil Division of the U.S. Department of Justice. While there, he supervised the Federal Programs Branch and the Office of Consumer Litigation.

In November 1994, Judge Southwick was elected to serve on the Mississippi Court of Appeals. He was reelected to a second term in 1998.

During 8 of the first 10 years on the court of appeals, Judge Southwick wrote the most opinions of anyone on the court. He has been involved in more than 7,000 opinions during his service on the Mississippi Court of Appeals, and he personally wrote almost 800 of them.

Judge Southwick also has a distinguished record of service in the Judge

Advocate General's Corps of the U.S. Army Reserves and has been an instructor at the U.S. Military Academy at West Point.

In August 2004, Lieutenant Colonel Southwick and the 155th Brigade Combat Team of the Mississippi National Guard were mobilized in support of Operation Iraqi Freedom. The unit was deployed in Iraq from January to December 2005, where he served as the staff judge advocate. He spent much of his time in Najaf, an area of significant insurgent activity.

In a letter to the Judiciary Committee, one of Judge Southwick's fellow soldiers wrote this:

He also took on the task of handling the claims of numerous Iraqi civilians who had been injured or had property losses due to [the involvement of] the United States Military in our area of operations. This involved long days of interviewing Iraqi civilian claimants, many of whom were children, widows and elderly people, to determine whether the United States Military could [or should] pay their claims. He always listened to these Iraqi claimants patiently and treated them with the utmost respect and kindness. He did this not just out of a sense of duty but because he is a genuinely good and caring person.

Judge Southwick is currently a professor of law at the Mississippi College School of Law. He teaches courses in administrative law, consumer law, evidence, statutory interpretation, and judicial history.

He has written several legal and historical articles that have been published in the Mississippi Law Journal, the Mississippi College Law Review, the Wall Street Journal, and other publications. He is the author of a book entitled: "Presidential Also-Rans and Running Mates." It won an American Library Association prize as the "Best Reference Work of the Year" in 1985.

Judge Southwick has served as president of the American Inns of Court, as a member of the American Law Institute, and on the Curriculum Committee of the American Bar Association's Section on Legal Education. He was honored by the Mississippi State Bar in 2004 with the Judicial Excellence Award.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously concluded that Judge Southwick is "well qualified" to serve as a Federal appellate judge. This is the highest rating a judicial nominee can receive.

After being nominated on June 6, 2006, to serve as a U.S. district court judge in the Southern District of Mississippi, he received a hearing in the Judiciary Committee in the Senate and was unanimously reported with a favorable recommendation for confirmation.

After two nominees for the Fifth Circuit from our State were turned down, Senator LOTT and I recommended Judge Southwick for that court, and President Bush submitted his nomination to the Senate on January 9, 2007.

In an editorial published in June 2006, the Clarion Ledger of Jackson, MS,

called Judge Southwick's nomination "an outstanding appointment."

In an editorial published in June 2007, the Clarion Ledger stated that Judge Southwick had built a reputation based on "professionalism, hard work, and integrity" and that support of the nominee's home State Senators is an important indicator of broad consensus on the nomination.

This vacancy on the Fifth Circuit has now existed since 2004. This seat is considered a judicial emergency by the Federal judiciary, meaning the efficiency and efficacy of the court are negatively affected by this vacancy.

I am confident Judge Southwick will serve with great distinction on this court, and he will reflect great credit on the Federal judiciary, if he is confirmed.

I am proud of the recommendation Senator LOTT and I have made to the Senate, and the Senate should confirm this nomination.

I mentioned the support of community leaders in my earlier remarks. I have been handed by staff members of mine a number of letters that have been sent.

Here is one, June 1, 2007, to Senator LEAHY and Senator SPECTER. This is from the adjutant general of the Mississippi National Guard, MG Harold Cross. He mentions his experiences with Judge Southwick in Iraq. He started with a story I had not heard until I read this letter earlier today:

Lieutenant Colonel Southwick joined the Army Reserve in 1992—obtaining an age waiver to allow him to join; even though he knew from the outset his age would necessarily prohibit him from serving long enough to vest a military pension. In 1997, then-Captain Southwick transferred into the Mississippi National Guard.

While Lieutenant Colonel Southwick was originally assigned to what was then called State Area Command, in 2003, Lieutenant Colonel Southwick volunteered to transfer into the 155th Separate Armor Brigade, a line combat unit. This was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duty in the near future.

He then goes on to talk about the leadership, the military leadership, the assets and qualities that he brought to the 155th Brigade Combat Team on active duty near Najaf in Iraq.

He served, as my remarks indicated, as staff judge advocate for the 155th, and it was located at Forward Operating Base Kalsu.

After his service in Iraq, Lieutenant Colonel Southwick transferred back to Joint Force Headquarters of the Mississippi National Guard. He makes this comment—General Cross does—in closing—

While there are many core qualities critical to a successful military officer, one attribute I have found particularly important during my many years of service is sound temperament. In that regard, Lieutenant Colonel Southwick has both a considerate and measured personality. I can tell you without hesitation that I have always found Lieutenant Colonel Southwick to treat everyone with whom he comes into contact with both kindness and respect.

Another letter, this one from a young lawyer with Brunini, Grantham, Grower & Hewes, the firm where Leslie Southwick practiced law for a number of years. This letter is addressed to Senator ARLEN SPECTER.

Dear Senator SPECTER:

I am an African-American partner at the law firm of Brunini, Grantham, Grower & Hewes, PLLC, where Judge Southwick was once a member. I believe in fairness for all people and salute our leaders for giving their lives to assure that fairness. While I share the sentiments of other African-Americans that the federal judiciary needs to be more diverse, I believe that Judge Southwick is imminently qualified for the United States Fifth Circuit Court of Appeals and write in support of his nomination.

I met Judge Southwick during my third year of law school when I interned with the Court of Appeals of Mississippi. That internship allowed me an opportunity to work with most of the Judges on the bench at that time. I was most impressed with Judge Southwick because of his work ethic and his serene personality. When I finished law school in 1996, I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals (which was fairly new) who had ever hired African-American law clerks. In spite of the odds, I applied for a clerkship. Judge Southwick granted me an interview and hired me the same day. While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

During my tenure as clerk with the Court, Judge Southwick thought through every issue and took every case seriously. He earned a reputation for his well thought out opinions and his ability to produce the highest number of opinions in a term. It did not matter the parties' affiliation, color, or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for decision. Having worked closely with Judge Southwick, I have no doubt that he is fair, impartial, and has all the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit.

In addition to serving our State, Judge Southwick has also honorably served our country. During his mission to Iraq in 2005, Southwick found the time to write me often to let me know about his experiences there. Upon his return to the United States, Judge Southwick shared with others his humbling experience serving our country. It is clear from his writings and speaking that he served with pride and dignity.

Over the years, Judge Southwick has earned the reputation of being a person of high morals, dignity, and fairness. It is unfortunate that there are some who have made him the chosen sacrifice to promote agendas and have set out to taint all that Judge Southwick has worked so hard to accomplish. I am prayerful that those efforts will not preclude Judge Southwick from serving as our next judge on the United States Court of Appeals for the Fifth Circuit.

Yours truly, Brunini, Grantham, Grower & Hewes, A. L'Verne Edney

Mr. President, there are a number of other letters. There are two from the School of Law, Mississippi College where Judge Southwick has been a member of the faculty. One is from the

dean of the law school. Another is from the associate dean, Phillip McIntosh. I was impressed with his strong feeling that comes through in this letter that I detected and interpreted.

Judge Southwick is a man—

And this is to Senator SPECTER and to Senator LEAHY. He wrote each the same letter, dated June 4—

Judge Southwick is a man of highest integrity, honor and intellect. As a judge on the Mississippi Court of Appeals, he scrupulously did his judicial duty in following the law in his judicial opinions. I am greatly disappointed that some have taken the opportunity to try to score political points by characterizing Judge Southwick as intolerant or having “very fixed, right-wing world view,” seeking to imply that he would not be fair and impartial in applying the law. In my personal and professional dealings with him, I can attest to his fine character. I have not the slightest doubt regarding his impartiality and commitment to fairness.

As an example of the regard with which Judge Southwick is held by the law faculty at Mississippi College, he was offered a position as a visiting faculty member following his resignation as a judge for the Mississippi Court of Appeals and pending the approval of his nomination with the Fifth Circuit. The suggestion to make this offer was made by one of our faculty members and the recommendation was unanimously approved by our faculty. We have a politically and racially diverse faculty, but not one note of concern about Judge Southwick’s integrity, fairness, or impartiality was sounded. His appointment to our faculty was strongly supported by all of our faculty members. I might even mention that his teaching partner for trial practice this past semester is an African American attorney and former Mississippi Circuit Court judge whom Judge Southwick personally recruited to partner with him for the course.

I hope that you will support the nomination of this outstanding man to the Fifth Circuit. He is an exceptional candidate and deserving of confirmation.

There are other letters similar in tone. Here is one from—I couldn’t help but notice—the University of Mississippi School of Law, the Law Center at the university where I graduated from law school, and it is written by John Bradley. It caught my attention because John Bradley was a law student when I was a law student. John Robin Bradley is what we called him then. He is now a professor of law at Ole Miss. He was one of the most liberal members of the faculty when he joined the faculty, and he has lived up to that tradition very proudly ever since.

I have a very high regard for John Bradley. He was editor in chief of the Law Journal, and when I was a first-year student, I had the honor of being invited to go to a Law Journal conference at William and Mary with John Robin and then the next editor to be, and I kept thinking I had just been anointed and I would be in line to be editor in chief also. That wasn’t to be, but let me just say this: I am not sure John Robin Bradley has ever voted for me. He probably hasn’t because I am a Republican and he is a very serious-minded Democrat. But here is a letter he wrote to PAT LEAHY—and he also

gave a copy to ARLEN SPECTER—about Leslie Southwick, judicial nominee, dated June 5, 2007:

Gentlemen:

I write to comment to you and the Committee on the Judiciary on the judicial and legal ability of Leslie Southwick. I do so not in generalities but in the context that I especially know about. It is my hope that this specific information will give you insight into how he has undertaken his role as a judge.

My detailed knowledge of Leslie Southwick’s work as a judge on the Court of Appeals of Mississippi concerns the law of workers’ compensation and its important overlap with other areas of law, principally tort law. For a number of years I have taught and written about these topics. Consequently, I pay extremely close attention to the court decisions. Although based on statutes, this area of law has become intricate and often complex, so much so that lawyers specialize in the field in order to be effective.

When Judge Southwick started as a first-time judge with the newly-created Court of Appeals, he and some other judges had little or no experience with this area of law. This showed up in several opinions that I considered to contain incorrect analyses. In articles that I wrote and in oral presentations at law conferences, I often detailed the reasons that I regarded some of the opinions as incorrect, including several that Judge Southwick wrote or concurred in.

My observation was that Judge Southwick recognized that he and other judges needed to learn the intricacies and complexities. He set about doing that. I saw him at all law conferences at which I was a speaker, and I know he read and often cited my publications. Sometimes he agreed and sometimes he disagreed with my explanations, but the point is—

And this is in italics—

But the point is that he challenged himself to learn about a field of law in which he had no previous experience, topics which came to his court frequently.

His court heard appeals in all areas of law, and we expect broad institutional competence. Lawyers do not come to the bench with all-encompassing experience, but the good ones can and will learn. This is no small task. Judge Southwick—

And this again is in italics—

Judge Southwick rose to the challenge by hard work, legal ability, and dedication. I saw him struggle and I saw the evidence of his learning about this field.

This is what we hope for in our judges. Judge Southwick did this and earned my respect for his legal and judicial ability. My expectation is that he will continue on this path as a judge.

That is the end of the italics.

In my view his achievement in this regard is a significant indicator that he has what it takes to be a good judge, one of those humans to whom we entrust our halls of justice.

Sincerely yours, John R. Bradley, Professor

This next letter is written in hand—handwritten—by Kay Cobb. Kay Cobb is the presiding justice of the Supreme Court of Mississippi. The letter is written to Senator ARLEN SPECTER in reference to Judge Leslie H. Southwick.

Dear Senator Specter.

This letter is enthusiastically written to urge you and the Committee to confirm Leslie H. Southwick to serve on the Fifth Circuit Court of Appeals. I’ve known him for

many years and I’m honored to give him my highest recommendation without reservation. In every way he is worthy to serve.

Judge Southwick’s scholarship and character are stellar. The opinions he wrote during his 10 years on the Mississippi Court of Appeals reflect his thoroughness and fairness, as well as the depth of his knowledge and the quality and clarity of his reasoning and writing.

In every respect of his legal career and life in general, Leslie Southwick has excelled. He has a long and consistent record as a devoted family man, a courageous military leader, an accomplished author, and an excellent appellate judge. His awareness and attention to promoting fairness and equality with regard to race and gender are exemplary.

Our country needs conscientious and independent judges of impeccable integrity, and I cannot think of anyone—

And she underlines “anyone”—

who is better qualified for this appointment. Sincerely, Kay B. Cobb, Presiding Justice, Supreme Court of Mississippi.

There are other letters. I am not going to prolong my remarks. This is one from the dean of the Law School where he is on the faculty, another from one of his former partners. This one may be a little different. John Henegan—here is another Democrat, I think. I hope he is not upset with me for publicly identifying him in that way. He is a bright guy, widely respected. I know him. He has written a letter that talks about:

One area where we have not worked closely together—

He is addressing ARLEN SPECTER—

One area where we have not worked closely together is in the political arena.

I was right.

I am a life long member of the Democratic party at all levels of the political spectrum; namely, local, county State, and Federal, and I have previously served as the Chief of Staff and Executive Assistant to the former governor of Mississippi who is also a life long Democrat. Accordingly, although I am not qualified to call myself what we affectionately refer to around here as a “yellow dog democrat,” because I have at least on a handful of occasions voted for a Republican candidate for public office, it is very fair to say that I have never been a supporter of the Republican Party or many of its policies, positions, or for that matter certain Federal judicial nominees submitted to the United States Senate in the past.

In this context, I have been reading what has been said and written about the qualifications of Leslie for this current post, including an editorial in yesterday’s New York Times, and I cannot disagree more strongly with the personal attacks that are being made against his character, integrity, or fitness for office, or about his commitment to civil rights for all people, regardless of their race, color, sex, creed, religion, or national origin. It is an abomination that he should have to experience these unfair and unjust personal attacks, because they are quite simply untrue and cannot be made by anyone who has had the opportunity to meet, work, or be around Leslie for even an abbreviated period of time.

In his many years of public service at the State and Federal level, Leslie has served his State and his Nation with honor and distinction at sacrifice to his personal gain. I candidly can think of no one whom I would trust more to carry out the oath of office that he will be required to take and to uphold the

laws of and Constitution of the United States if he is confirmed by the United States Senate.

I respectfully urge you to confirm his nomination. Respectfully Submitted, John C. Henegan.

I am not going to read all of the letters, Madam President. I know others may want to speak on the legislation that is pending before the Senate.

This one is from a fellow member of the Mississippi Army National Guard. They were deployed together in Iraq recently and his observation is that "he shouldered a heavy load of regular JAG duties, which he performed excellently." He talked about Southwick being a kind and courageous man, being in a combat zone with him, and how it was stressful and challenging. He said:

Leslie always listened to these Iraqi claimants patiently and treated them with the utmost respect and kindness. He did this not just out of a sense of duty but because he is a genuinely good and caring person.

This is from Norman Gene Hortman, Jr. He is from Laurel, MS, a lawyer with his own law firm there, a very respected person in our State.

There are other letters. I thought you might be interested in this one. It is from José Cantu. He is writing Chairman LEAHY. This is a copy of his letter:

Dear Chairman Leahy.

I read recently in the Houston Chronicle about the nomination of Judge Leslie Southwick to the United States Court of Appeals for the Fifth Circuit. The article was questioning his character in light of a case in a Mississippi appellate court involving a racial incident where a ruling was in favor of a white plaintiff. Since I grew up with Judge Southwick in Edinburg, Texas, located in the Rio Grande Valley, I was shocked to read about the opposition to his nomination on this basis. I was a classmate of Judge Southwick in high school and knew him very well. I always found him to be extremely polite and absolutely fair with everyone. What the paper and the political activist referenced in the article imply is that Judge Southwick is a racist because of the ruling on the Court. This is absolutely ridiculous and totally unfair. The Valley has a large Hispanic population, and Leslie never showed the type of discriminatory attitudes that are implied in the article. To the contrary, I remember him as treating everyone fairly and with respect.

What was equally disturbing in the Chronicle article was LULAC's opposition to the nomination. Being a Hispanic American, my immediate and extended family want to voice our strong disagreement with LULAC on this issue. Since this organization is portrayed by the media to speak for all Hispanics, I want your office to know that it does not. My family and I wholeheartedly support the nomination of Judge Southwick. It is apparent from the article that LULAC has no first-hand knowledge of Judge Southwick's character or integrity, but merely wanted to jump on the bandwagon and oppose this nomination because it was submitted by President Bush. Growing up in the Valley, both my family and I have been lifelong Democrats. Now I live in Houston and am beginning to believe that politically motivated actions, like opposition to the nomination of this fine individual and jurist, will force many of us to seek the Republican Party as a viable alternative. I respectfully request that you support the nomination of

Judge Southwick and confirm his appointment for the Court of Appeals.

Sincerely, José Alberto Cantu, CPA, PrimeWay Federal Credit Union.

Here is someone I noticed because she has been an active Democrat all her adult life, a good friend of mine, Kathryn H. Hester, a shareholder in the Jackson, MS, law firm of Watkins Ludlam Winter & Stennis. You have heard of Winter and Stennis. You may have heard of Watkins and Ludlam. They are both deceased. It reads:

Re: Nomination of Leslie Southwick for the United States Court of Appeals for the Fifth Circuit.

Dear Chairman Leahy.

I write in support of my colleague Leslie Southwick's nomination to the United States Court of Appeals for the Fifth Circuit. You will have before you Leslie's resume. It is outstanding, and it reflects both a sense of duty and an intelligence appropriate for service as an appellate judge.

Judge Southwick succeeded me as President of the Charles Clark Inn of Court—named for the former Chief Judge for the Fifth Circuit for whom Leslie clerked after law school. Leslie was selected to that position by trial and defense lawyers of the utmost professional skill and integrity.

Leslie is diligent in performing his obligations, he is smart, he has integrity, and he is temperate in his actions and decisions. Leslie is passionate about love of country, his alma mater's baseball team (Rice), and his adopted State, Mississippi.

If a man of intelligence, temperance and integrity, who has served his country, his State, and his profession honorably and with dignity, is not qualified to be on the court of appeals, then the process is faulty. The legal profession and the parties who will depend on his intelligence and his integrity deserve to have a person of his caliber on the court.

Thank you for your consideration.

Sincerely yours,

Kathryn H. Hester,  
Shareholder.

Madam President, I think I have read enough letters. I didn't mean to read as many as I did. But I hope that Senators will see from these letters they are not form letters organized by any political party or any special interest group. These are letters that were written because people care about and know about Leslie Southwick and are convinced he is being treated unfairly by the Senate if he is not confirmed.

I know the Judiciary Committee has had a hearing. I was pleased to introduce Leslie Southwick at that time, with my colleague Senator LOTT. It never occurred to me at any moment that there would be any question raised about his integrity, his sense of fairness, his qualifications, or his fitness to serve as a U.S. Court of Appeals judge during the consideration by the Senate of this nomination. The fact that I feel obliged to be here on the floor, after I had made my comments about how I thought he was a good choice to serve on the court, is probably superfluous. I apologize if anybody is bored by these remarks. But I hope you can sense the sincerity and seriousness of purpose of those who have written and the high quality of the people who authored these letters.

To me, it is a dark and sad day in the Senate if one of its committees, the Ju-

diciary Committee, is considering recommending that Judge Southwick not be confirmed for service on the U.S. Court of Appeals. It is unthinkable. But from information I have gotten from those who talked to all of the members of the committee on the Democratic side, that might happen. I don't know when a meeting is scheduled or when that is going to occur, but I hope there is an opportunity for reflection and careful consideration of action before that meeting does occur. I served my first 2 years in the Senate on the Judiciary Committee. I succeeded Jim Eastland, who had been chairman of the committee, when he retired from the Senate. That was in the Carter administration, and we had a lot of hot-button issues come before the committee. It was an interesting challenge to be on the committee during such a period of national transition. Alan Simpson and I were two junior Republicans on the committee that year.

I guess the point is, I listened to presentations made before the committee for judicial nominees. I was observing and we were living through the transition in the South—the integration of organizations, of schools, of churches, on and on. It was a very challenging time in the history of our country. TED KENNEDY had just become chairman of the Judiciary Committee. It was a pleasure to serve and get to know all the people on the committee at the time. But I also remember thinking somewhere along after about 6 months of experience on the committee that maybe the best thing I could do for my career in the Senate was get the heck off the Judiciary Committee and get on something a little more attractive from a political standpoint. So as it happened, it worked out that 2 years later I was able to move to the Appropriations Committee. I gave up that seat on the Judiciary Committee to do so. I have always felt a special kinship for the members of that committee, knowing about the workload, the volume of information that has to be processed by the members to stay up to date with the legislation that is referred to the Judiciary Committee. So I have an appreciation for the challenges that are faced and particularly on a nomination that comes along that is not from your State, not from your area of the country. You take a look at what the facts are, make a decision, and move along.

Well, I hope the Judiciary Committee will take another look at this nomination and look at what has been said about the nominee and his qualifications, and look at his entire career, which has been one that has reflected good judgment, a concern for his fellow citizens, whether they are Black, White, or Hispanic, or whether they are Democrats or Republicans. He is the ideal choice for this kind of job. And to absolutely contrive reasons to persuade others to vote against the nominee creates a bad feeling and a sense of unfairness that is pervading the body.

Madam President, I have said enough.

I ask unanimous consent that the letters I did read from be printed in the RECORD.

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

STATE OF MISSISSIPPI, MILITARY DEPARTMENT, OFFICE OF THE ADJUTANT GENERAL, Jackson, MS, June 1, 2007.

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

Hon. ARLEN SPECTER,

Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR SENATORS: I am writing you concerning Leslie H. Southwick, who serves under my command as a Lieutenant Colonel in the Mississippi National Guard. During my tenure as Adjutant General, I have had the pleasure coming to know LTC Southwick personally.

LTC Southwick joined the Army Reserve in 1992—obtaining an age waiver to allow him to join; even though he knew from the outset his age would necessarily prohibit him from serving long enough to vest a military pension. In 1997, then-Captain Southwick transferred into the Mississippi National Guard.

While LTC Southwick was originally assigned to what was then called State Area Command, in 2003, Southwick volunteered to transfer into the 155th Separate Armor Brigade, a line combat unit. This was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duty in the near future.

In fact, in August 2004, the 155th mobilized for duty in support of Operation Iraqi Freedom, as the 155th Brigade Combat Team. From August 2004 to January 2006, LTC Southwick served on active duty, distinguishing himself as Deputy Staff Advocate at Forward Operating Base Duke near Najaf—and later as Staff Judge Advocate for the 155th, located at Forward Operating Base Kalsu. After his service in Iraq, LTC Southwick transferred back to Joint Force Headquarters, Mississippi National Guard.

Both before and after his service in Operation Iraqi Freedom, LTC Southwick has worked directly with me on numerous matters of significance to the Guard. I have always found his counsel sound, his bearing exemplary, his judgment exceptional and his character beyond reproach.

While there are many core qualities critical to a successful military officer, one attribute I have found particularly important during my many years of service is sound temperament. In that regard, LTC Southwick has both a considerate and measured personality. I can tell you without hesitation that I have always found LTC Southwick to treat everyone with whom he comes into contact with both kindness and respect.

I hope you find this information useful, as you consider matters coming before your Committee. Thank you for permitting me the opportunity to correspond with you concerning LTC Southwick.

HAROLD A. CROSS,  
Major General.

MISSISSIPPI COLLEGE,  
Jackson, MS, June 4, 2007.

Re The Honorable Leslie Southwick.

Hon. Arlen Specter,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: I am writing to you to express my strong support for the nomina-

tion of Leslie Southwick to the Fifth Circuit Court of Appeals. I have known Judge Southwick for several years while he has been an adjunct professor and visiting professor at Mississippi College School of Law. As Associate Dean, Hiring of adjuncts comes under my responsibilities for the law school. We have been honored to have him on our faculty and look forward to a long and beneficial relationship with him. Our students likewise hold Judge Southwick in highest regard.

Judge Southwick is a man of highest integrity, honor and intellect. As a judge on the Mississippi Court of Appeals he scrupulously did his judicial duty in following the law in his judicial opinions. I am greatly disappointed that some have taken the opportunity to try to score political points by characterizing Judge Southwick as intolerant or having "very fixed, right-wing world view," seeking to imply that he would not be fair and impartial in applying the law. In my personal and professional dealings with him, I can attest to his fine character. I have not the slightest doubt regarding his impartiality and commitment to fairness.

Judge Southwick would make an outstanding judge for the Fifth Circuit. I know that the will uphold the law and apply it regardless of his personal view on a particular subject. He is a very thoughtful man, a true scholar. I also know that he is not racist and does not hold racist views. Such an allegation is ludicrous, insulting, and without foundation.

As an example of the regard with which Judge Southwick is held by the law faculty at Mississippi College, he was offered a position as a visiting faculty member following his resignation as a judge for the Mississippi Court of Appeals and pending the approval of his nomination to the Fifth Circuit. The suggestion to make this offer was made by one of our faculty members, and the recommendation was unanimously approved by our faculty.

We have a politically and racially diverse faculty, but not one note of concern about Judge Southwick's integrity, fairness, or impartiality was sounded. His appointment to our faculty was strongly supported by all of our faculty members. I might even mention that his teaching partner for Trial Practice this past semester is an African American attorney and former Mississippi Circuit Court Judge, and whom Judge Southwick personally recruited to partner with him for the course.

I hope that you will support the nomination of this outstanding man to the Fifth Circuit. He is an exceptional candidate and deserving of confirmation.

Sincerely,  
PHILLIP L. MCINTOSH,  
Associate Dean and Professional of Law.

BUTLER, SNOW,  
Jackson, MS, June 6, 2007.

Re Nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit.

Hon. ARLEN SPECTER,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: This is written in support of the nomination of Honorable Leslie Southwick as a Circuit Judge on the United States Court of Appeals for the Fifth Circuit. I have known Leslie for over 30 years, since August of 1976, when he and I served as law clerks to the Honorable Charles Clark, then Circuit Judge on the Fifth Circuit. I have worked with him professionally both in that capacity and in connection with local area bar association activities and have also appeared before the Mis-

issippi Court of Appeals while he served as an appellate judge there and followed and read not only many of his judicial opinions but his scholarly legal articles as well. He and I corresponded several times while he served his country in the current war in Iraq.

One area where we have not worked closely together is in the political arena. I am a life long member of the Democratic party at all levels of the political spectrum, namely, local, county, state, and federal, and I have previously served as the Chief of Staff and Executive Assistant to a former Governor of Mississippi who is also a life long Democrat. Accordingly, although I am not qualified to call myself what we affectionately refer to here as a "yellow dog democrat" (because I have on at least a handful of occasions voted for a Republican candidate for public office), it is very fair to say that I have never been a supporter of the Republican party or many of its policies, positions, or, for that matter, certain Federal judicial nominees submitted to the United States Senate in the past.

In this context, I have been reading what has been said and written about the qualifications of Leslie for this current post, including the editorial in yesterday's New York Times, and I can not disagree more strongly with the personal attacks that are being made against his character, integrity, or fitness for office, or about his commitment to civil rights for all people regardless of their race, color, sex, creed, religion, or national origin. It is an abomination that he should have to experience these unfair and unjust personal attacks because they are quite simply untrue and cannot be made by anyone who has had the opportunity to meet, work, or be around Leslie for even an abbreviated period of time.

In his many years of public service at the State and Federal level, Leslie has served his State and his Nation with honor and distinction at sacrifice to his personal gain. I candidly can think of no one whom I would trust more to carry out the oath of office that he will be required to take and to uphold the laws and Constitution of the United States if he is confirmed by the United States Senate. I respectfully urge you to confirm his nomination.

Thank you for considering my views and opinions in this matter and for your service to our Nation.

Respectfully submitted,  
JOHN C. HENEGAN.

HORTMAN HARLOW MORTINDALE  
BASSI ROBINSON & MCDANIEL,  
PLLC, ATTORNEYS AT LAW,  
Laurel, MS, June 6, 2007.

Re Nomination of Judge Leslie Southwick to the United States Fifth Circuit Court of Appeals.

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND SPECTER: Thank you for the opportunity to offer my opinion regarding the nomination of Judge Leslie Southwick to the United States Fifth Circuit Court of Appeals.

I am a practicing attorney in a small law firm in Laurel, Mississippi. I am also a Lt. Col. in the Mississippi Army National Guard. I have known Leslie Southwick by reputation as a practicing attorney and appellate judge and personally for almost ten (10) years as a fellow officer in the National Guard. Leslie Southwick and I also served together in Iraq in 2005 with the 155th Brigade Combat Team of the Mississippi Army National Guard. Therefore, I feel that I am qualified to express an opinion about Leslie Southwick's suitability for the Fifth Circuit.

Leslie Southwick is a superb nominee. He is brilliant, able, dedicated to the profession, experienced as a lawyer, judge, military officer, husband and father, well respected among his peers, thoughtful, fair, hard working, honest, good humored, and patient. In my opinion, he is the finest person you could nominate for the position.

Leslie Southwick is also a kind and courageous man. As you know, service in a combat zone is stressful and challenging, often times bringing out the best or worst in a person. Leslie Southwick endured mortar and rocket attacks, travel through areas plagued with IEDs, extremes in temperature, harsh living conditions, sometimes bad chow, seeing the same ugly mugs everyday—the typical stuff of Iraq. He shouldered a heavy load of regular JAG Officer duties which he performed excellently. He also took on the task of handling the claims of the numerous Iraqi civilians who had been injured or had property losses due to accidents involving the U.S. Military in our area of operations. This involved long days of interviewing Iraqi civilian claimants, many of whom were children, widows and elderly people to determine whether the U.S. Military could pay their claims. Leslie always listened to these Iraqi claimants patiently and treated them with the utmost respect and kindness. He did this not just out of a sense of duty but because he is a genuinely good and caring person. His attitude left a very positive impression on all those that Leslie came in contact with, especially, the Iraqi civilians he helped. This in turn helped ease tensions in our unit's area of operations while it was in Iraq and, ultimately, saved American lives. And, throughout his service, he was always cheerful and encouraging. Adversity and challenge bring out the best in him.

He has the right stuff for the job—profound intelligence, good judgment, broad experience, and an unblemished reputation. I know him and can say these things without reservation. Anyone who says otherwise simply does not know him.

I understand that the Committee's vote on Leslie Southwick's nomination is to take place tomorrow and that I need to get this letter in to you without delay. Therefore, I will conclude by saying that Leslie Southwick would make an excellent judge for the United States Fifth Circuit and that all of your Committee members would look back with pride that they had the wisdom and good judgment to approve his nomination.

You may call me if you have any questions.

Sincerely,

NORMAN GENE HORTMAN, JR.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I thank my good friend, the distinguished Senator ROBERT BYRD, for allowing me to go first to make a few comments about the importance of education and the bill we are considering on the floor today, the Higher Education Access Act of 2007.

First, when we talk about education, it ought not to be lost on any Member of the Chamber that educational opportunity is the keystone to success for all of us in America. In my own personal story, my parents never had an opportunity to go to college or to get a college degree. And in my family, though we were poor and we grew up without a lot of material wealth, they were rich in spirit and believed in the fundamental values that have made

America great. They believed in hard work and in faith. They believed the community was there for an important reason. They understood, without a doubt, that education was in fact the keystone to success.

I often remember sitting there at the ranch in southern Colorado, almost 300 miles south of Denver, with a kerosene lamp on the table and the eight siblings around the table and my father and mother making sure we were doing our homework. My father would say to all of us: I cannot leave you large ranches or riches, but the one thing I can make sure I give to you is an education. It is perhaps because of his teachings and his understanding of the promise of America that all eight of his and my mother's children became part of the American dream. All eight became first-generation college graduates, and today I stand on the floor of the Senate as a Senator. I have a brother, Congressman SALAZAR, who is in the House of Representatives, also serving our great Nation and serving the State of Colorado.

As I think about those educational achievements we have had, it would not have happened were it not for the promise of America, the programs that have been created by so many people who came before me.

I was on the floor earlier serving as Presiding Officer when Senator WHITEHOUSE of Rhode Island spoke about Claiborne Pell. It is true that I was in Rhode Island not so long ago at an event when Senator Claiborne Pell arrived at this event. He was wheeled to the tent, in fact, in a wheelchair. Someone whispered to me that the person who just arrived on the scene was none other than Claiborne Pell. It was for the first time that I connected the dots. I remember going through college and receiving Pell grants that allowed me the opportunity to go to college. But I never knew that the term "Pell" was somehow associated with someone who actually sat two desks to my left here at one point in time. That is the great Senator Claiborne Pell from the State of Rhode Island who came up with the idea that the promise of America was somehow embedded in the opportunity to receive a good education.

He believed, as many of us here believe, that economic barriers should not be the reason why someone does not advance in higher education. Everyone who wants to go into higher education should have that opportunity to do so. Yet, somehow today when we look at the reality of America, the fact is the educational opportunity that was there for me and hundreds of thousands of my generation is being slowly taken away from our American youngsters. We have been headed in the wrong direction, and it is for that reason that this legislation, which Senator KENNEDY, Senator ENZI, and the members of the HELP Committee, with a vote of 17 to 3, was brought to the floor of the Senate today.

I am proud to be a supporter, a strong supporter, of this legislation because it will keep hope alive in America with the American dream that results from the education that is provided to the people of our great Nation.

When we look at what is happening today in terms of educational opportunities for Americans, it is getting harder and harder for our young people to access higher education. Madam President, 400,000 talented, qualified students each year—that is 400,000—decide they cannot go on to higher education because of economic barriers—400,000 talented young Americans, successful young Americans who should have an opportunity to go on to higher education.

That is what this bill is all about. This bill is about tearing down those barriers so that these young people, these 400,000 talented young people have an opportunity to be a part of the American dream.

When one looks at what has been happening over the last several years as we have invested and continue to invest in education, the fact is we have not invested enough. The fact is, when we look at the statistics, while we have invested in educational opportunities and access to higher education, the investment has been a flat investment. So by the time we take into account general inflation and particularly the high rate of inflation in higher education, we have been on a roadway that has been disinvesting in opportunities for the young people of America.

If we look at the white lines on this chart, what they show is what the maximum Pell grant has been from 2001 to 2007. We essentially see a flat line across right at about \$4,000.

During that same time period, we see what has happened with respect to the cost of education. We have gone from a point of a little over \$8,000 to an average of over \$13,000. The gap has increased. We had a gap of \$5,282 in 2001, and today the gap is \$8,700. What has happened in the last 5 years, as a good friend of mine from the University of Michigan calls it, is the disinvestment in America's future. What we are doing is taking away opportunities for the young people of America. The bill before us today rights that wrong and puts us in the right direction to investing in the education of our young people.

This legislation is important because it raises the maximum Pell grant to \$5,100 next year. It is about time. It is about time we do that. We have waited far too long to increase Pell grants for young people.

Secondly, it provides loan forgiveness for those borrowers who serve in areas of national interest—those values of early childhood education, librarians, highly qualified teachers, speech language pathologists, and others. It makes sure we provide loan forgiveness for those people who decide to take jobs to serve others.

In addition, the program creates a forgiveness of a balance due on direct

loans by borrowers who have been public sector employees for 10 years and who have made 120 income-contingent payments on their loans.

The legislation also makes Federal loan payments by student borrowers contingent by capping payments of 15 percent of an individual's income and allowing those borrowers to have their loans forgiven after 20 years of payments.

This is an important issue, particularly when we see how much debt is being put on the saddles of young Americans as they are graduating from college and graduate schools. There are a number of other provisions in this legislation that are very important.

Finally, with respect to my own State of Colorado, I want my own State, as every Senator here, to make sure we are providing a maximum opportunity for young people, and these programs I mentioned will do that. For the State of Colorado, this means we will have \$320 million more in student aid over the next 5 years.

I am proud of this legislation. I am proud of my colleagues, both Democrats and Republicans, on the HELP Committee who have brought this legislation forward. I urge my colleagues to support it wholeheartedly as part of making sure that the American dream we live today is a dream that this generation and other generations behind it will be able to achieve.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

#### DOG FIGHTING

Mr. BYRD. Madam President, for several days—for several days—the news has been saturated with stories about the indictment of a well-known professional football player for running a dog-fighting operation. I am not going to comment on that particular case. The man has been accused. He has not been convicted. We must wait until all the facts are in and a verdict is rendered. The man cited in these recent news stories is innocent until proven guilty, and Lord help him if he is proven to be guilty in a court of law. We must wait for the justice system to run its course. But the facts are already in, and the verdict has already been delivered.

What is it about? What is it about, Madam President? It is about the scourge of dog fighting in the United States—dog fighting in the United States. According to the Humane Society, there are about 40,000 dog-fighting operations in the United States. The deputy manager of dog-fighting issues for the Humane Society, John Goodman, points out, “. . . dog fighting is at an epidemic level” in the United States. It involves urban areas as well as rural areas. It involves all sections of the country. It cuts across cultures and class and other socio and economic differences.

Dog fighting continues even though all 50 States have laws on the books prohibiting dog fighting. Dog fighting

is a Federal crime. Let me say that again. Dog fighting is a Federal crime, and yet animal welfare officials report that dog fighting is more popular today than ever. Shame, shame, shame.

Hundreds of thousands, if not millions, of dollars have all been at stake in the breeding, the training, and the selling of fighting dogs. How inhuman, how dastardly.

Two dogs are placed in a pit and turned loose—turned loose—against each other. How inhuman, how cannibalistic, how sadistic. Let me read that again.

Two dogs—God created the dog to be man's companion—two dogs are placed in a pit—think of that—placed in a pit and turned loose against each other. And get this: the fight can go on for hours. The fight can go on for hours. Do you hear me? The fight can go on for hours. The poor dogs literally bite and rip the flesh off one another, and bets as high as \$50,000 are placed. The brutality goes on until one of the poor dogs is seriously injured or killed. So the poor dog died—died. The dog died. And for that reason, dog fighting is regarded as a blood sport. A blood sport. While bloody, Madam President, it is hardly a sport. Hardly a sport.

It is a brutal, sadistic event motivated by barbarism of the worst sort and cruelty of the worst sadistic kind. One is left wondering: who are the real animals—the creatures inside the ring or the creatures outside the ring?

The depravity of dog fighting is a multimillion-dollar business that involves training innocent, vulnerable creatures to kill—to kill—and putting them in a ring to be killed or to kill for the entertainment and/or the profit of their owners and other spectators.

I have seen one individual in my lifetime electrocuted in the electric chair—in my time. It is not a beautiful spectacle. So I can say I could witness another one if it involves this cruel, sadistic, cannibalistic business of training innocent and vulnerable creatures to kill.

Undercover investigators who have infiltrated the dog-fighting ring have found blood-soaked dogs with life-threatening injuries that are left to die as soon as they are no longer able to compete. Undercover investigators have found dogs with ripped ears, torn lips, genitals dangling from their bodies, eyes swollen shut, and faces riddled with punctures so severe that they were barely able to breathe. How inhuman, how inhuman, how sadistic.

Dogs that survive a fight often die days or even hours after the fight from blood loss, shock, dehydration, exhaustion, or infection. What a shame. What a shame.

If the losing dog survives the ordeal—get this—it is usually so mangled that it is no longer of any use and, therefore, it is put to death—put to death.

I have seen a human being put to death for killing another human being, but why a poor dog—a poor dog? If the losing dog survived the ordeal it is usu-

ally so mangled that it is no longer of any use. How sad, sad, sad. It is put to death. Even the winner of a dog fight commonly suffers from massive bleeding, ruptured lungs, broken bones, or other life-threatening injuries.

The training of these poor creatures—weigh those words—the training of these poor creatures to turn them into fighting machines is simply barbaric—barbaric. Let that word resound from hill to hill and from mountain to mountain, from valley to valley across this broad land—barbaric. May God help those poor souls who would be so cruel. Barbaric. Hear me. Barbaric. Such practices as starvation of the poor animal to encourage malice, and beatings to build endurance are common. It involves teaching the dog to maul by using smaller animals, such as cats or rabbits or small dogs as training bait.

The result of this most cruel business reaches beyond the fighting ring itself. There are cases of dogs trained to kill that have broken loose and mauled human beings to death. It is reported that dog fighters often involve their children in their bloody activities, with severe damaging psychological impact. What a sin. What a sin. Studies have revealed that children exposed to dog fighting develop a greater acceptance of aggressive attitudes and behavior. They are taught to believe that violence—violence—is entertaining, and that it is OK to inflict the cruelties they have observed. Dog fighting, reports the Houston Chronicle, simply breeds violence.

Madam President, as a dog owner and a dog lover, I cannot even begin to understand how human beings can be so cruel to man's best friend. Over the centuries of time, these creatures of God have made a place in our hearts as well as in our homes. Dogs have endured as our devoted companions. They provide important emotional support to humans so that the mere petting of these social creatures can lower blood pressure in humans. Get that, Madam President? The mere petting of these social creatures can lower blood pressure in humans. The affection that a dog provides is unlimited, unqualified, and unconditional. Ever the loyal companion, dogs protect us, assist those of us with afflictions, and provide hours of enjoyable companionship. Therefore, I take great satisfaction in knowing that if the people allegedly involved in this outrageous business are found guilty, they will have to answer to our judicial system—and may God help their souls. Congress has made it a Federal crime to engage in dog fighting.

God, the one, eternal, everlasting God, made man caretaker of the Earth. God gave man the responsibility of tending to the natural world with dominion over animal life. We honor God when we treat all of his creatures responsibly and with decency and with respect.

The Book of Proverbs in the Holy Bible, King James Bible, tells us:

A righteous man regardeth the life of his beast, but the tender mercies of the wicked are cruel.

The immortal Dante tells us that Divine justice reserves special places in hell for certain categories of sinners. I am confident that the hottest places in hell are reserved for the souls of sick and brutal people who hold God's creatures in such brutal and cruel contempt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I ask to be recognized as in morning business.

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

Mr. CASEY. Madam President, I am honored to follow Senator BYRD to the floor. Today, as on so many other days in the Senate, we are reminded why he is not only our distinguished colleague from West Virginia, but why he is so revered. We thank him for what he talked about today.

Mr. BYRD. I thank the Senator.

GLOBAL WARMING AND CLIMATE CHANGE  
LEGISLATION

Mr. CASEY. Madam President, I rise today to talk about one of the most important issues facing our country, our world, and our children. The issue is global warming due to climate change. I know the Presiding Officer has a strong interest in this issue. We talked about it, and she has with many of her constituents in Minnesota and beyond. I appreciate that commitment.

The problem, as you know, is so serious that it could physically and irrevocably change the world in which we live. I think we are confronted today with a moral duty to preserve the environment, not just so we can have clean air to breathe and clean water to drink, but because this world that we live in is in our care for our children and our children's children—God's creation itself.

In the State of Pennsylvania we have always held the environment in high regard. In our State, as in many States, we put it right in our constitution. Article I, section 27 of the Pennsylvania Constitution reads as follows:

The people have a right to clean air, pure water, and to the preservation of the natural scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

That is what our State constitution says. As a public official from that State, albeit in a Federal capacity, I feel an abiding obligation to give meaning to that constitutional directive through my work in the Senate. For all these reasons I firmly believe we must take action to slow, stop, and reverse our greenhouse gas emissions. The United States must stand up as a leader in the international arena to stop global warming.

I am not a scientist, and I do not claim to be an expert on scientific

theories. But I do know something about some of the literature that has been written the last couple of years. One thing I remember in particular, and this had a profound impact on me, is a very simple statement, but it tells what we are dealing with here.

I remember reading back in 2005 that the percent of the Earth's surface which has been subjected to drought has doubled since about 1970. So in just about 35 years the percent of the Earth that had drought has doubled. That alone should tell us what the stakes are. We know what drought leads to. It leads to poverty and hunger and starvation and death and darkness.

We know it from our recent history, the catastrophic storms and flooding, Katrina being an example of that; changes in habitat that threaten species and the potential of a mini ice age in northern Europe if melting ice sheets disrupt ocean currents; major ecological changes translating into major sociopolitical changes. We know various committees in this Senate—the Foreign Relations Committee being one—are dealing with this issue as well, focusing on the implications of global warming to national security and the military readiness of our troops.

There are so many examples. Even in Darfur, a terrible horror that we see unfolding every day—part of that was caused by changes in our environment. Drought caused people to move into new areas, causing conflict.

Consider the implications of widespread global drought, storms, coastal flooding, and crop failures among others.

Inflicting this future on the children of the world and the children of America is unimaginable, and I think unforgivable. Yet that is exactly what we are doing if we do not take action, the action we must take. The evidence of human-caused climate change is overwhelming. Global warming exists, and human activities are a major factor.

The evidence—rising average temperatures, melting glaciers, shifts in migratory bird patterns—is telling us something. It is telling us that we are failing in our duties as stewards of God's creation.

What shall we do about it? It is a question I have asked and so many others have asked over the course of many months in this Senate and many years. I spent, as did a lot of my colleagues, many hours talking with what we might call stakeholders. People in the manufacturing field, people who might own businesses, labor unions, environmentalists, scientists—all the way down the list of people and groups that have an interest. They are all determined that a national climate change program that we develop to combat it must accomplish a number of basic goals.

I will read quickly through about 10 of them:

Making mandatory greenhouse gas reductions.

The operative word there being "mandatory," not voluntary.

No. 2. Reduce greenhouse gases at rates and levels identified by international scientists at 80 percent by 2050.

No. 3. Take immediate actions to reduce emissions in the short term.

No. 4. Reduce economy-wide greenhouse gas emissions.

No. 5. Use a market-based approach to reduce emissions while providing some stability in the market, specially in the early years.

No. 6. Balance regional differences in the sources of greenhouse gases and the solutions.

No. 7. Position the United States as a global leader on climate change while bringing developing countries like China, India, and Mexico to the table.

No. 8. Hold States accountable for their own carbon consumption.

No. 9. Make major Federal investments in carbon capture and storage research and clean coal technologies.

No. 10. Continue reducing other pollutants that pose threats to public health.

Guided by these 10 principles, I am a cosponsor of three global warming bills. The first is the Global Warming Pollution Reduction Act introduced by our colleagues, Senator SANDERS and Senator BOXER. I commend my distinguished colleagues from Vermont and California for drafting such an important bill. I believe their bill will be the starting point for the Senate's work on global warming. This legislation makes strong and significant cuts to greenhouse gas emissions. The near-term goal of reducing emissions levels by the year of 2020 to 1990 levels is a good start, as is the long-term goal, meaning reductions of 80 percent from 2006 levels by 2050.

We know the scientists must guide us in this work. We must not do any less than what the scientists tell us we need to do to prevent the catastrophic changes in the Earth's atmosphere.

The second bill I am cosponsoring, the Low Carbon Economy Act, introduced by Senators BINGAMAN and SPENCER—I applaud them for their work in putting together a comprehensive and detailed piece of legislation. Many of the things we will debate in this Senate will be critically important to my home State of Pennsylvania. Any climate change program must include a number of things: First of all, a detailed proposal for a cap-and-trade program for carbon credits; second, measures to keep our manufacturers competitive—we must again bring our international trading partners to the table—and a commitment to provide some measure of stability to the new carbon economy.

The third and final bill I am cosponsoring is Senator CARPER's Clean Air Planning Act. This legislation keeps other hazardous air pollutants at the forefront of our decision. Nitrogen oxides, sulfur dioxide, and mercury continue to have deleterious effects on the health of Pennsylvania and America, in terms of asthma in our children, harmful impacts of mercury on early childhood development, and women's reproductive health.

All of this compels us to take action. Each of these bills does. Each of these bills has strengths that must be included in any climate change proposal developed by the Environment and Public Works Committee and the full Senate.

I have discussed with Chairman BOXER her legislation. I appreciate her longstanding commitment to getting a climate bill to the Senate floor. I commend, as well, I must say, her leadership on a wide range of environmental issues over many years. I thank her for her continuing commitment to work with colleagues like me so we will be at the table to work on priorities for our country, as well as Pennsylvania's priorities in any chairman's mark on a climate bill.

I urge all of my colleagues to join the call of the thousands of people who have visited Capitol Hill and come to our offices to talk to us about global warming, not to mention the millions of Americans who care very deeply about this issue—Democrats, Republicans, and Independents alike, east and west, north and south. We have no time to waste when dealing with the problem of this magnitude and gravity for our world.

Madam President, I ask unanimous consent that I be made a cosponsor of the following legislation: S. 309, the Global Warming Pollution Reduction Act; S. 1766, the Low Carbon Economy Act; and, S. 1177, the Clean Air Planning Act.

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

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW.) The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, we have moved along on the issues in this bill and have heard from many of our colleagues. We've had a good debate and discussion. Most of the members of our Education Committee and Human Resources Committee have spoken about this measure with very considerable knowledge and understanding and awareness and made a very strong and convincing case.

I think we have had very good opportunity to talk in considerable length and detail about this proposal. I am going to do a brief summary of this legislation in a moment and then we will hopefully have our leader come to the floor with a unanimous consent request so that we may find a pathway to move toward the reauthorization bill, which is very important.

The bill we're debating now—the reconciliation bill—deals with a key part of our education system; that is, the funding that is the lifeblood of our higher education system. But the authorization provisions are enormously important. We have worked very carefully together on the committee and we stand in strong support of those proposals. They deal with some very important matters.

One is the simplification of the FAFSA, the free application for federal

student aid. That might not sound like a very important undertaking, but it is extraordinarily important. When you try and go through the older application, as many students have, or families have, they find it virtually impossible to understand.

We give great credit to my friend and colleague, Senator ENZI and Senator REED for their work. We also have provisions that deal with the issue of rising college costs. We deal with the funding of students, we deal with addressing the needs of the neediest students in this country. We have also provided opportunity for the elimination or the forgiveness of indebtedness for those who are going to work in public service areas for 10 years. That is very important.

In the authorization legislation, we have provisions we think can be useful and helpful in terms of the overall cost of education. We support and encourage colleges to publish their tuition and fees, so that there is greater transparency and so that students and families have the knowledge to weigh their options. So that is enormously important. The other part of the authorization, which is absolutely called for, are what we call the sunshine provisions, the ethical provisions. We reform the student loan industry, so that it works better for students—not banks.

What we have seen over the course of our hearings and investigations are instance after instance where those who were involved in the lending aspect of the student loan programs at colleges and universities, and also in the programs themselves, have abused the system. We've seen instances where lenders give gifts, such as trips and performance tickets, in order to gain preferential treatment. That's unacceptable, and we're working to stop those kinds of abuses.

We have recommendations in this proposal to deal with that very serious problem. The members of our committee are very strong in terms of their support for the reauthorization. There are other provisions in the bill as well, but the most important are the ones I have identified. There is strong bipartisan support for those.

We know there are members who wish to address some of those issues in some way. We are glad to have debate and discussion on those matters. But it is our desire, certainly my desire, I know Senator ENZI's desire, that we try and move that authorization proposal in a short period of time. We will have a consent agreement on this shortly. Hopefully, with that consent agreement, we will be able to conclude the debate on the reconciliation provisions and yield back the time we have, and start the process of considering any of the outstanding amendments.

Certainly, the Senator from Alabama's amendment is a pending amendment and other members have talked about other amendments. I will address that issue in a few moments.

To give a very quick summary of what we have tried to do over the pe-

riod of these past weeks in the area of higher education, we have effectively taken \$17 billion from lender subsidies in order to give it to students, and we have deficit reduction distribution of close to \$1 billion.

This chart gives a pretty good summation about what this legislation is all about. People who are watching this program, certainly the Members, now, after we have had a good discussion and debate about the program, have an awareness of what this program is about. It is a historic increase in need-based grant aid, the most important increase in need-based grant aid since the GI bill in World War II. This Nation reached out to so many of the young service men and women after World War II, and provided them an opportunity to go on to college and earn a bachelor's degree. What a difference it made for this country in terms of building the middle class, and in giving hope and opportunity to an entire generation. As we have pointed out time and time again, most economists believe for every dollar that was invested in that GI Bill, the World War II GI bill, \$7 was returned to the Federal Treasury. We believe that to be true.

This is something the American people ought to keep in mind. In this legislation, the \$17 billion is not coming from the taxpayers. It is money that is recovered from the lenders in the student loan program. So we have a historic increase in the need-based grant aid in this bill—an increase of over \$700 next year alone for the maximum Pell grant.

We have better repayment options that cap the borrowers' monthly loan payments to 15 percent of their discretionary income, discretionary income, I underline, because that is sensitive to individuals, size of their family, and we are responsive to that.

This takes into consideration the size of their family, which we think is enormously important. We have loan forgiveness for borrowers in public service jobs. We had an excellent debate and discussion earlier in the afternoon with the Senator from Maryland on that program, who told us enormously moving stories about her own life and others that she knew about.

This is a very important provision, the loan forgiveness, for borrowers in public service jobs. We have great need for more professionals in public service areas, and we have scores of young people who are interested in entering these fields. Visit any college, as I have, and talk to the young people, and the interest of the young people being involved in local community service programs, State programs or Federal programs in public service is extraordinary. I think it is the highest level of interest and involvement I have seen, that I can remember in memory.

The loan forgiveness provision in this bill helps address the enormous explosion of student loan debt we've seen recently, which closes out opportunities to attend college for far too many Americans.

We have gone through this in some detail during the course of the debate. We provided some protection for working students by not penalizing their earnings. So often individuals are trying to go out and work, they are hard pressed in terms of their resources that are available to them and to their families. They go out and earn some extra money. What happens, in a number of instances, is they exceed the provisions of existing law and work themselves out of some need-based aid.

We address that issue. The students are going to go out and work and work hard to be able to buy their books, to be able to afford their living expenses. We make sure they are not going to be penalized for their hard work. We offer longer deferment periods for borrowers in economic hardship. We also have additional consideration for those who have served in the Armed Forces of this country.

We had a good review of that program with Senator MURRAY late yesterday afternoon, a very important additional kind of protection for our servicemen, particularly those who are on active duty and find out, as we know, there are increasing extensions of their duty. We wish to make sure those individuals who are involved in defending this country are not bothered or harassed by those who are trying to collect their debt.

So this provides these benefits at no cost to the taxpayer by reforming the student loan industry so it works for students, not banks. This is not additional money from taxpayers for these programs. This comes from the lenders, from the banks, changing the way that this whole program works to benefit the students in a very important way, and in a way, quite frankly, that actually isn't going to cost the lending agencies that much profit.

Even with this particular proposal, we have seen the various CBO reviews, we have these financial officer statements we have reviewed. These lending agencies, they are going to do very well. We reviewed some of the documents of Sallie Mae itself, which pointed out the size of their earnings, which are going to be substantial, even with the inclusion of this legislation. So we do not need to have crocodile tears for the lending agencies. We ought to even strengthen those programs for the students of this country.

So this is the broad form and the broad shape of the legislation. When we talk about the need based aid, what we are talking about basically are the lowest-income families.

Pell grants assist 5 million of the neediest students, 5 million of them who are attending our universities. This is very important help and assistance. What we see is, as they take advantage of this program, it means they may be able to borrow less. By borrowing less, they have less monthly payments and this frees them to be able to focus on school, so that students during their breaks and during

their free hours are going to be talking about their subject matter and about the books they have read, and their classes and teachers, rather than constantly worrying about the payment of their debt.

So this is a very major aspect of how we have allocated a major part of the \$17 billion. We have, as every person knows who is in this Chamber, and every family knows who is watching this, an explosion of costs both at private colleges and public colleges.

We know many students who go to these public colleges and the private colleges are young men and women of extraordinary ability and talent; and many of them are also hard pressed financially. What we have tried to do, although we have not done it up to now, is to keep grant aid up with the incredible increase we have seen in the cost. We made a downpayment on that with our increase in the Pell grant maximum to \$4,310 earlier this year. This bill goes even further, and raises the maximum Pell grant to \$5,100 next year and to \$5,400 by 2011.

As I mentioned earlier, we have made some recommendations in the education authorization bill to try and deal with costs in the future. We have seen those costs go up.

This is a very important chart. Each year, nearly half of the lowest-income students, who are talented students, cannot go to a 4-year college because of cost. We know that 400,000 students don't attend a 4-year college each year because of cost. These are young people who could effectively gain entrance into college but cannot go because of the limitations of income. This is a great loss for this Nation, a great loss for those individuals. It is an incredible loss in terms of our Nation.

We tried, with the need-based aid and assistance in this bill, to provide help. We tried through Senator MURKOWSKI's amendment to provide the mechanisms in the States to reach out to these students to assist them, to motivate them so they will go on to college, and explain to students the complicated financial aid process. That is enormously important.

With the work of Senator ENZI and Senator REED, we have simplified the form for application for federal aid into two pages compared to the current form's eight or nine pages, which are hardly understandable for many parents and students.

This is what is happening. This is why we are seeing one of our candidates, Senator Edwards, talking about the two Americas. It is right here at the breaking point where we find out that half of the college-ready students, which means that they have the academic capability to go on to college, do not do so because of the cost.

These are the facts. This is the need. This is another way of expressing a similar point; that is, more students must take out loans to finance their education. In 1993, less than half of all

graduates had to take out loans. But in 2004, nearly two-thirds had to take out loans to finance their education—an enormous increase. Students are borrowing more, and this is the indebtedness.

I see our leader on the floor. Knowing his responsibility, I would be glad to withhold and make whatever comments I might have after any comments he would want to make.

Mr. REID. Madam President, Benjamin Franklin once said: "Genius without education is like silver in the mine."

It is unquestioned that a college education is the single greatest weight on the scales of success.

Yet today, more and more working-class Americans are shut out from the promise and opportunity of a college education because the price is out of reach.

The Higher Education Access Act is a bill that will restore that promise to hundreds of thousands of American students.

Over the past 20 years, the cost of a college education has tripled. Yet the average family's median income has been virtually flat, and Federal student aid has not kept pace to make up the difference.

As a result, the goal of higher education has never been further out of reach for many working class students and their families.

Nearly 400,000 students who would otherwise have the credentials to go to college are shut out because they cannot afford it.

Imagine the doors to opportunity that a college degree would have offered these students, the benefits to our society and the benefits to our economy.

Over the course of their lifetime, a college graduate will earn \$1 million more than a high school graduate. And the Department of Labor projects that almost 90 percent of the fastest-growing and best-paying jobs require at least some postsecondary education.

Too many students are losing out on all that opportunity. And too many students who do make it to college are shouldering the burden of more debt than ever before.

In Nevada, we are fortunate that the cost to attend one of our fine State universities is still relatively low. But even in Nevada, the average graduate has almost \$17,000 in student loan debt.

There is nothing wrong with borrowing money to help pay for college. But when that debt reaches an average of tens of thousands of dollars, students are buried in debt before they even enter the workforce.

The Higher Education Access Act, the bipartisan reconciliation bill that we are today debating will help solve this critical problem.

It will do so in a comprehensive way by increasing grant aid, expanding the number of students eligible for Federal aid, making loan debt more manageable, and expanding loan forgiveness

options for those professions that we all recognize are important to society—teaching, social work, law enforcement, and health care.

The Higher Education Act includes three crucial components.

First, the bill includes a significant increase to the Pell grant, which has long been the foundation for Federal student aid.

Twenty years ago, the Pell grant covered half the cost of attendance of a 4-year public college. Today, it covers less than a third.

In 2000, President Bush campaigned on a promise to increase the Pell grant, but for 5 years, it remained at \$4,050. After years of stagnation, one of the first acts of the Democratic Congress this year was to raise the Pell to \$4,310.

This bill takes the next step, increasing the Pell grant to \$5,100 next year and to \$5,400 in 2012, and makes an additional 250,000 students eligible.

Second, the Higher Education Access Act caps monthly Federal student loan payments at 15 percent of a borrower's discretionary income. This will translate to real benefits for graduates.

Under this new income-based repayment plan, a teacher in Clark County, NV who earns about \$45,000 a year, would have his or her monthly payments reduced from \$192 to \$149, or 23 percent.

This bill also increases the amount of student income that can be sheltered from the financial aid process. The current levels amount to an unfair "work penalty" on working, part-time, and community college students, including the nearly 58,000 students in my own State who attend a community college.

Third, the Higher Education Access Act expands loan forgiveness options to encourage college graduates to pursue public service and careers in such high need areas as nursing, teaching, or law enforcement.

We have a tremendous teaching shortage in Nevada, particularly in Clark County. Clark County is one of the fastest growing school districts in Nation. They are building, on average, one new school every month. Each year, the district needs to hire as many as 1,000 new teachers to fill these buildings.

This loan forgiveness program would erase remaining student debt for new teachers after 10 years of teaching.

The large banks and lenders tell us that the provisions in this bill will impact the benefits that they provide to students. But they never tell us what these so-called benefits really mean for the average student.

This legislation, on the other hand, has clear and tangible benefits for students. The savings generated in this bipartisan bill, through modest cuts to lender subsidies, are sent right back to students in the form of \$17 billion in new benefits. This would be the largest increase in college aid and student benefits since the GI bill.

Let me address the issue of lender subsidies. The Federal student loan

program was established in 1965, before a student loan market even existed.

Back then, the Federal Government had to offer incentives and subsidies to encourage private financial institutions to provide education loans.

But times have changed. Today, there is no doubt that the student loan market is highly lucrative, and one need look no further than \$225 million in compensation that the CEO of Sallie Mae received over a 5-year period to prove this point.

Yet the Federal Government continues to provide excessive subsidies and guarantees to lenders under the FFEL, Federal Family Loan Program. I support the FFEL program Our State's oldest university, the University of Nevada Reno, participates in the FFEL Program.

But without a doubt, the private student loan industry is heavily subsidized by the American taxpayer. And, in my view, it is past time for the Congress to take a second look at these subsidies. This bill does that in a bipartisan, responsible, and reasonable way.

I thank Senators KENNEDY and ENZI and the rest of the HELP Committee, as well as the chairman of the Budget Committee, Senator CONRAD, for their work in crafting an important piece of legislation that meets the reconciliation instructions in the budget resolution.

Mr. President, passing the Higher Education Access Act is one of the most important steps this Congress could take. I can think of few things more important to our country's future than opening the door to a college education for millions of students and unlocking all the opportunity it affords.

I also want to amplify what I said this morning about the way this bill has been managed. The two managers of this bill, Senators ENZI and KENNEDY, have done an exemplary job. There are some difficult issues to deal with, and they have done it in a graceful manner. They have allowed people to offer amendments and debate whatever they feel is appropriate. I would hope that in this little vote-athon we have, which is one of the quirks in the Senate rules—people may offer amendments when we are finished—people will keep in mind what we are trying to accomplish with this bill. Once this passes, they will be no longer trying. It will really help lots of students to go to school. Things are different than when I was a college student. I could work, as I did and many others did, and put myself through school with a little scholarship here and there. You can't do that anymore. You need, with rare exception, student aid. This bill will allow students more money to be educated.

As has been said here in the last several days on many occasions, a person getting a college education will earn over a lifetime \$1 million more than a person with no college education. That really says it all. That is what this is

about, to allow more people to be educated.

I appreciate very much the manner in which this bill has been managed. I think it is exemplary. It is how a bill should be managed in the Senate.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank the leader for his comments and also for scheduling this proposal. It is a clear indication of the priority this legislation has. We are very grateful that we have been able to, hopefully, complete this whole proposal in terms of the funding and the authorization.

Mr. REID. Will the Senator yield for a brief statement?

Mr. KENNEDY. Yes.

Mr. REID. We are going to have a number of votes that could start in the next half hour or so, whenever the managers decide we should start. But my goal is to finish the voting tonight. We have this bill started. I would hope we could finish it tonight. We are going to give it the college try. All the amendments that will be offered, we are going to vote on them tonight. Many of them will be points of order, a 60-vote margin. I would hope people understand these are procedural votes. I hope we can dispose of them as quickly as possible, one way or the other. We have a lot to do. We have a cloture vote tomorrow on a very important appropriations bill. So we are going to move to that. I hope the distinguished Republican leader and I can work out arrangements so that we may not even need a vote tomorrow. If we can proceed to it on Monday, we would do that, whenever we finish education issues in this next cycle.

It is my understanding that there may even be something more we could do on education Monday. That is not quite worked out yet, but if it is, I would be happy to work out the schedule so that we can continue on education and perhaps go to the appropriations bill either Monday night or Tuesday sometime.

Again, we are going to do everything within our power to finish this bill tonight. I hope it is not going to be a night like we had Tuesday. I am confident it won't be, but it could go into the late evening tonight.

Mr. KENNEDY. Madam President, I want to indicate to the leader that we have a pending amendment, the Sessions amendment. But we have effectively ended the debate on education. The students of this country and the parents of this country ought to know that we have done our duty, our responsibility. It is going to be those who are going to be offering amendments that have nothing to do with educating the children of this country who are going to be delaying what is a vital interest to the students and working families. We have been here, ready to deal with the amendments. We have a pending amendment with the Sessions amendment. But it ought to be very

clear to every student who is watching this program and every parent who is watching that Senator ENZI, myself, and our committee—we have done our work. We are ready to have final passage. The House of Representatives has acted on this proposal. We are ready to go ahead and get to conference and get these benefits to students. If Members of this body have other issues, they ought to consider those at another time, or in another place. But every parent of every child ought to know, when we start having these dilatory amendments that are being offered, who is offering them and who is delaying the most important education program we have had here in the Senate since the GI bill in World War II. That is what this is about.

I thank the leader for both scheduling this and his willingness to stick with it. We are fine. It is 6 o'clock on a Thursday evening. We are glad to work, and we are glad to work through tomorrow, Monday, whatever it is. But the American people ought to know, when these amendments that have nothing to do with education are offered, who is on the side of the students and who is on the side of working families, who is on the side of middle-income families. We have been out here ready to deal with education amendments. We have one that is pending. But the idea that they are going to use this as some kind of vehicle to tack on every single amendment to cause what they consider to be difficult political votes, they are basically insulting the families of this country who know how important this issue is.

Make no mistake about it, we will know very soon who is on the side of the students and who is not.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. REID. Madam President, we are now waiting for the distinguished Republican leader to come. As further evidence of your good work, we have a unanimous consent request here that will allow us to move Monday to the higher education extension which is so important. I, frankly, am elated that this is going to happen. This is a gift for the American people. I certainly hope the Senate understands how important it is that the two of you have worked this out. This is really remarkably good.

Again, we are waiting for the distinguished Republican leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

UNANIMOUS CONSENT AGREEMENT—S. 1642

Mr. REID. Madam President, I ask unanimous consent that at 2 p.m. Monday, July 23, the Senate proceed to consideration of Calendar No. 264, S.

1642, the higher education extension, and that when the bill is considered, it be considered under the following limitations: that there be a total time of 8 hours of debate on the bill and amendments, with the time equally divided and controlled between Senators KENNEDY and ENZI or their designees; that the only amendments in order, other than the committee-reported substitute, be a total of 12 relevant first-degree amendments relative to the matter of S. 1642 and/or the committee-reported substitute; there would be six for each manager, and an additional managers' amendment which has been cleared by the managers and the leaders, with no other amendments in order; that upon disposition of all amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to passage of the bill.

Prior to asking approval of this consent, I want the record to reflect, I love people who write left-handed. I have a son who is left-handed, and there was nothing meant to disparage left-handers when I said that.

Mr. MCCONNELL. Reserving the right to object, and I will not object, I was off the floor when the majority leader was talking about the measure we are on at the moment. Let me just indicate that there will be a number of amendments. I think our colleagues ought to stay relatively close to the floor when we get into a series of amendments. I share the majority leader's view that hopefully we will finish that bill tonight. But I do think it would be a good idea for people to stay close to the Chamber when we get into the so-called vote-o-rama.

With regard to the consent agreement, I have no objection.

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

The Senator from Wyoming.

Mr. ENZI. Madam President, I am so pleased at what just happened here. We have an important part of higher education in a reconciliation bill. In every speech I have made since we started this yesterday, although it seems like weeks ago, there was a second part that is actually a bigger part. There is a whole puzzle, and we are taking care of the little red triangle there in the reconciliation bill, but there is a lot more to higher education that we need to do. We came close to getting some done a year ago, but we didn't quite get there. The system kind of failed for the students. Now we have the chance, and we are going to do it on Monday. We are going to take care of that bigger part, the yellow part there, which is the reauthorization.

We have talked about this financial aid form simplification—and even showed the multiple pages that are currently required—bringing that down to one page. That is in there. We have talked about the need for better loan disclosure for financial institutions, the need to do a better job of following

the rules, and we even interjected some new rules. That is in this part.

There are year-round Pell grants so students do not have to interrupt their study when they want to get ready to be in the workforce. There is support for nontraditional students that we have not had before for graduate and international education. We have financial literacy and better borrower information in this part we will be debating Monday. We have privacy protection in there, which is extremely important.

We have improvements to the Academic Competitive Grants and the SMART grants which encourage students to get into science and math and engineering and technology and languages and medicine. There is some additional incentive for them to do that.

There is also the college cost watch list, which will provide more information to students and to us so we know what we are doing when we reauthorize higher education the next time.

There is much more. One of those "much more" is a very important part, which is more money for teacher preparation. Teachers are a key to the education system, and they are taken care of in the reauthorization part of the package, not in the reconciliation package. So it is very important to get both of them done. I am so pleased we have been able to arrive at a unanimous consent agreement to do both of them.

We will finish this one up. I will make a few comments. We will be ready to yield back time and get on with the vote-o-rama.

I wish to echo the sentiment that the amendments are rather limited. I hope that is the case. I think the amendments that were really pertinent to the reconciliation bill have probably already been put out there. There may be a couple of others, but I am hoping we do some things that are pertinent to this reconciliation so we can get that wrapped up and get the reauthorization done so that higher education in this country will function the way we envision it. It is always on a good path. It can be better. These two bills make it better.

The reconciliation bill, of course, reduces subsidies to lenders by \$18.5 billion and provides \$17.6 billion for students benefits. This legislation, coupled with the Deficit Reduction Act passed 2 years ago, will result in \$40 billion in changes to Federal student loan programs.

I am pleased we have come to an agreement that will allow the rest of the reauthorization of the Higher Education Act to be considered on the floor of the Senate with limited relevant amendments and a limited amount of time. The bill before us today focuses on a narrow slice of the Higher Education Act. As I mentioned, it will give us a chance to do the entirety of the Higher Education Act, which will ensure the continued quality of our higher education system.

Now, as I mentioned, this is the second time in as many Congresses we have been on the brink of systemic reform. We are going to make it through the reform this time. I am so pleased at that. The students of America, whatever age, will benefit from this legislation. We talk about the need for education from the time you are born until the time you retire. We have some other pieces yet that we need to do, such as the Workforce Investment Act, but we are on course to get that done too.

The American system of higher education is renowned throughout the world. America's students will now be provided with the tools and assistance contained in both bills to complete their higher education and training to acquire the necessary knowledge and skills to be competitive in a 21st-century economy.

I supported reporting both bills out of committee. I did ask they be considered together and had that expectation. So I am very pleased that the Senate Democratic leader has worked with us and provided an opportunity to have an open and full debate on the aspects of the Higher Education Act.

As debate on this bill comes to a close, it is necessary to thank those who worked long and hard on this bill. First and foremost, I thank Chairman KENNEDY. The bill we will be doing Monday is virtually a bill the two of us worked out last year, for which we got to that brink of getting done, and then it did not get done. So now we are presenting it again. I thank him for his commitment to keeping this process bipartisan.

Education is bipartisan. There is no partisanship in that. I think that will be displayed throughout the process. And I appreciate his working with me and my Republican colleagues on the HELP Committee throughout this entire process. We have a different process than some of the other committees. We use the markup to kind of find the direction, the intent and the intensity of the feelings on the issue, and then we actually keep working with people through that time to either correct the situation or to get an understanding of what it is we are really doing. Sometimes that even requires coming up with a third way. But that is what has happened in both of these bills, and it gets us to this point.

Now, it involves a tremendous amount of work on the part of members of the committee, but it also involves a tremendous amount of work by our staff. They work through weekends. They work late into evenings trying to resolve a lot of these things so it can get to the decision at the Member level.

So I particularly thank Katherine McGuire, my legislative director; Beth Beuhlmann, who heads up the education shop; Ann Clough; Adam Briddell; Amy Shank; Ilyse Schuman; Greg Dean; Kelly Hastings; and Lindsay Hunsicker.

I also thank the members of Senator KENNEDY's staff for their hard work: Michael Myers, who is doing a marvelous job of coordinating with us; Carmel Martin; J.D. LaRock; Missy Rohrbach; Emma Vadehra; Erin Renner; Raquel Alvarenga; and David Johns.

Finally, I thank all the members of the HELP Committee and their staffs for all their hard work throughout this process. It has been hard work making sure everybody had an understanding of all of these difficult issues and getting us to this point.

So again I thank the chairman for his hard work and cooperative work to be able to get this done for the kids of America.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The majority leader is recognized.

#### AMERICA COMPETES ACT

Mr. REID. Mr. President, there is a lot of good news today legislatively.

I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 159, H.R. 2272, the House competitiveness bill; that all after the enacting clause be stricken and the text of the Senate companion, S. 761, as passed by the Senate, be inserted in lieu thereof; the bill be read a third time and passed, the motion to reconsider be laid on the table, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

Mr. President, let me say this is the end of a long haul to do a bill that is extremely important. This is a bipartisan bill. There are a number of people who have worked extremely hard on this legislation but no one harder than Senators BINGAMAN and ALEXANDER. I apologize for only mentioning their names. I am sure there are many others who worked just as hard as they did. I remember they were the first two who talked to me about it, and there has been a lot of time spent on this legislation.

It is a bill that was passed in the Senate with little opposition. I am so happy we can now go to conference. The House has already passed something. We can come back with a bill that I think will really help productivity in our country and help the educational aspects of students, especially in the scientific fields.

The PRESIDING OFFICER. Is there objection?

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, reserving the right to object—and I will not object—there have been a number of people on both sides of the aisle who have been deeply invested in this America COMPETES Act. Several of them will be shortly announced by the Chair as conferees.

Particularly, I want to single out Senator STEVENS, Senator ENZI, Senator ENSIGN, and Senator COLEMAN, all

of whom will be named conferees, and, of course, Senator ALEXANDER and Senator DOMENICI, who were really the leaders on our side, in conjunction with Senator BINGAMAN, in developing this important bipartisan legislation.

Senator ALEXANDER kept pushing others forward. But, in fact, we all knew who the real leader on our side was on this issue. He, in a very selfless way, helped move a bipartisan group together to form this important legislation. I commend Senator ALEXANDER in particular for the role he played in all of this.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 2272), as amended, was read the third time and passed.

The Presiding Officer appointed Mr. BINGAMAN, Mr. INOUE, Mr. KENNEDY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, Mr. NELSON of Florida, Mr. DOMENICI, Mr. STEVENS, Mr. ENZI, Mr. ALEXANDER, Mr. ENSIGN, and Mr. COLEMAN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join the two leaders in thanking our colleagues and thank them for moving this process forward in naming these conferees on the America COMPETES Act. I wish to underline the excellent work that was done under the bipartisan leadership of Senator BINGAMAN and Senator ALEXANDER, and the other members of our committee. They have worked long and hard on this legislation.

A very distinguished leader in business, Norm Augustine—who has been the head of many of our defense industries and is a real statesman in terms of defense policy—was enormously important in helping guide the bipartisan group, to get recommendations from the National Academy of Sciences, the National Academy of Engineering, the National Science Foundation, and others, to help prepare this legislation, and to make recommendations to the House and the Senate.

This is an enormously important effort to ensure that the United States can continue to be competitive in the world economy for years ahead. I think this is a very solid and important bipartisan effort. I join with our two leaders, thanking them for their recommendations in terms of conferees, and join in commending the bipartisan effort that has seen this as continuing progress.

#### COLLEGE COST REDUCTION ACT OF 2007—Continued

Mr. KENNEDY. Mr. President, I think with the consent agreement we are prepared to yield back the time we still have. I want to join, first of all, in thanking my friend and colleague from Wyoming, as I did in the opening of the discussion and debate on education. This reauthorization legislation—the