United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, JULY 19, 2007 *No. 116*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of Life, as Senators deal with today's challenges, purge their hearts of anything that does not honor You. Remove from them a spirit of division, uniting them in the common task of doing what is best for our Nation and world. When they are tempted to doubt, steady their faith. When they feel despair, infuse them with Your hope. When they don't know what to do, open their minds to a wisdom that can change and shape our times according to Your plan. Replace any cynicism with civility, empowering them to trust You more fully, live for You more completely, and serve You more willingly.

You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 19, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Thank you very much, Mr. President.

Today we will be on H.R. 2669, the education reconciliation measure. There are 10 hours of time remaining for that matter. Two amendments were offered yesterday, one by Senator MURKOWSKI, another one by Senator KENNEDY. We will vote on those amendments at around 12 o'clock today.

For this bill, we have two of the most competent managers we could have, Senators KENNEDY and ENZI. It is a great picture for the country: one Senator from the State of Massachusetts, who certainly is known worldwide, and Senator ENZI, who may not be known worldwide, but the Senator from Wyoming is one of the most gentle, competent people I have ever worked with. He is a wonderful man. I know the relationship he and Senator KENNEDY have developed will make it possible to get through this with a minimum amount of strife. I admire both of those men and how they have worked on this bill.

The managers expect other amendments to be offered. As Members are aware, once all time is expired, Members can still offer germane amendments with no debate time and have them voted on. I am hopeful there will not be a vote-arama at the end of the time and Members who have amendments will work with the managers to get those amendments considered during the time limit.

There is no reason we cannot complete this bill by sometime this afternoon.

On the Homeland Security appropriations bill, it is hard to comprehend, but I had to file cloture on that bill, a bill to fund homeland security for our country. There was an objection to our moving to that bill. I hope an agreement is reached where we would not have to vote on cloture tomorrow, which is set. I hope we can complete action on this bill early next week.

SCHIP. I heard on the radio this morning—I had not read the President's letter to the Finance Committee members that he was going to veto the bill. The statement of policy on vetoing bills, it seems they all fit the same pattern. Anytime it helps people who are incapable of helping themselves, then the President is anxious to step in.

I heard on the radio today he wanted to veto this legislation because he felt it should be all handled by the private sector. We would not need this legislation if things were handled by the private sector. We have millions of children in America—not in some other country—millions of children in America who have no health care. That is what SCHIP is about.

So I appreciate the work being done on a bipartisan basis by Senators GRASSLEY and BAUCUS and HATCH and ROCKEFELLER, the senior members of that committee and respective subcommittee. They have come up with a bipartisan bill. It is not a bill that everyone is elated about, but it is a good bill that will help provide health insurance for as many as 6 million children. It is too bad that I assume we are going

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

Kennedy amendment No. 2330 (to amendment 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 noontime. 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 schoolteacher 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 county 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 happen. 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, especially 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 annunciated 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 students, 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 borrowing 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. Paragraph (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 nonprofit 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	Voinovich

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. JOHNSON) 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	Voinovich
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. JOHNSON) 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	Voinovich
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 beginning 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 families. 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 consigners 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 revenue 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 Ordnance. 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 Connecticut 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 financial 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 students 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. Department 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 in 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 nonprofit 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 beginning 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 no 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 enhancements 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 earn, and 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 emminently 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 Judiciary 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 Iraq 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 nomination 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 pass 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 Mississippi 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 MARTINDALE 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 usually 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 SPECTER—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 period 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. INOUYE, 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

one we will consider on Monday—is legislation that had Senator ENZI's name on it until the change in the makeup of the Senate. We had worked on it in a bipartisan way. I think with the exception of the ethical issues, which have been developed more recently, it is by and large a reflection of a really strong bipartisan effort, as our reauthorization on the Head Start Program is as well.

That is the way we worked when Senator ENZI was the chairman. We have tried to follow that pathway. As he mentioned, there has been a long history of leaders in education who work on a bipartisan basis in the Senate, going back with the Republicans with Senator Stafford and with our friend Claiborne Pell, as well as Judd Gregg when he was chairman of the committee.

So we want to see this passed. Hopefully, by Tuesday sometime, we will be able to look back on these past days and see a job well done. But we still have work to do.

I want to take a moment of time, though, to join in thanking the staff. Senator ENZI has said it so well. There has been tireless work and a real willingness to find common ground. These staffs have worked very closely with all of us. These issues are of prime concern to every member of our committee. Every member of our committee is involved in these education issues. We have good exchanges on that, and they have all been interested for a long period of time.

But I wish to thank, certainly, on my staff Michael Myers, who heads our committee staff and does such a wonderful job, Carmel Martin, and Missy Rohrbach. Missy even managed to get married during this period of time. I don't know how she found that time. J.D. LaRock, Erin Renner, Emma Vadehra, David Johns, Liz Maher, Parker Baxter and Nick Bath. For Senator ENZI, Katherine McGuire and Ilyse Schuman and Greg Dean, Beth Buehlmann and Ann Clough, Adam Briddell and Lindsey Hunsicker. There are many others, and I will include those as we go through the evening.

Mr. President, I was concluding the earlier remarks but I think many of our Members are ready to move ahead now.

The other major provisions of this legislation were the loan forgiveness for those in public service for 10 years, the ceiling on loan payments so they don't exceed 15 percent of monthly income, which assist people in repaying their loans in a responsible way. It is very solid legislation. It is good legislation. As I mentioned earlier, it deserves to be passed. We know the House is ready to move forward together on this bill. They have addressed this issue in the committee and they are ready to move ahead. I think the country is ready for us to move ahead.

As we have been willing and able to deal with education issues, I join in the plea of my friend and colleague from Wyoming in the hope we will not extend these amendments that have no relevance to the education of the young people in this country. They are entitled, I believe, to the kind of respect they should receive with an important piece of legislation that has been bipartisan, it has been worked through, and reflects the Nation's judgment in terms of understanding the importance young people can play and must play in our country and in our democracy, in our economy and in our national security. This legislation deserves, I believe, to have a quick and speedy passage.

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

Mr. KENNEDY. I am glad to yield.

Mr. DORGAN. Let me thank the chairman and ranking member for their work. I would like to understand, as we apparently go into some votes, what the requirements and circumstances are. There is no limitation on amendments at this point as I understand it; is that correct?

Mr. KENNEDY. The Senator understands correctly.

Mr. DORGAN. Let me ask, under reconciliation, I have watched the proceedings this afternoon, and I have heard discussions on the amendments that have nothing to do with this subject and are far afield. Is there a germaneness test with respect to amendments on the reconciliation portion of this bill?

Mr. KENNEDY. Yes, there is. So there will be points of order raised on amendments where those points of order should be raised.

Mr. DORGAN. If I might, let me thank again the chairman and the ranking member. My hope is we will deal with those amendments that deal with the education of the children in this country and move on and finish this bill. There will be plenty of other opportunities to address subjects well beyond that. I appreciate their work, and I hope we can finish this in due course.

Mr. KENNEDY. I thank the Senator because this is important legislation. There are a lot of other items which all of us are concerned about that the Senate should address. But we have had good discussions, good debate. This is very important legislation, and it reflects the best judgment of the members of our committee and I think the Senate as a whole as well. Hopefully, we can get it passed.

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

Mr. KENNEDY. I yield.

Mr. ENZI. Is the Senator going to be yielding back and then propounding a request for 1 minute on each side on each amendment and 10 minutes after the first vote?

Mr. KENNEDY. Yes, I will.

The PRESIDING OFFICER. The Senator from Vermont has a question for the Senator from Massachusetts.

Mr. SANDERS. My question was similar to Senator DORGAN's. I was going to say that if there was a substantive debate, we are prepared to offer several second-degree amendments. I hope I don't have to do that because I agree with the Senator from Massachusetts that we are dealing with higher education now, a very important issue, and I think we should keep it clean and move forward. But if something else evolves, we are prepared to offer several second-degree amendments.

Mr. KENNEDY. Mr. President, I thank the Senator for his very important contributions during the development of this legislation and his excellent statement on the floor.

I am prepared to yield back the time, if my colleague is prepared to yield back. I think also for any amendments, can we request that we have the opportunity for 2 minutes of debate on any amendment that is going to be offered to be evenly divided. Furthermore, I ask unanimous consent that after the first vote, the time on each succeeding amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if it is all right with the Senator from Wyoming, we would indicate the first vote then would start at 6:30. I see the leader. That gives people at least some notice, if that would be agreeable.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, with the first vote to begin at 6:30 then, we have 8 remaining minutes. I am glad to divide that with the Senator from Wyoming. Does the Senator from Alabama wish to be—I would be glad to divide that time with the Senator from Alabama, if he wishes to speak on his amendment.

Mr. SESSIONS. I would be pleased.

Mr. KENNEDY. I ask unanimous consent that we divide the time, the 8 minutes.

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

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the provision in this bill that creates an entirely new loan forgiveness program for Government public service workers I believe is unprincipled and can only get worse in the years to come. Actually, it has some pernicious aspects to it.

For example, it says if you are any Government worker or social service worker, it appears that as long as you are not in the private sector, after 10 years, the Government will forgive your loan debt. I think that is an odd thing for us to do, to have that many people have their loans forgiven.

I think, No. 1, when people go to college and they make up their mind about how they are going to pay for college and whether they will work, this will be an inducement for people not to work and to borrow; it will encourage borrowing for loans. No. 2, it

does not have any limit on the amount of money involved, so those who go to more expensive colleges will obviously get more of the taxpayers' money than those who don't go to more expensive colleges in terms of the loan forgiveness. I think that is not a healthy thing.

Eighty percent of the colleges and universities in America don't use the Direct Loan Program. Eighty percent do not. You don't get this loan forgiveness unless you are part of the Direct Loan Program, or consolidate your loans with it. I think that is an odd bias in the system that I am not comfortable with. So I will say, again, I think this is creating a new bureaucracy, an unwise way to help workers. I would suggest if we want to help people, we should expand our Pell grants—as we have dramatically and I support—and the loan programs in general but not to target a forgiveness program to people who have been working for the Government for 10 years who are probably better able to pay off the loan than they were the first 2 or 3 years they started to work. It doesn't make sense to me. I don't like this new program and all its ramifications.

I think our focus should be on Pell grants, on improving the loan program for everybody equally, and I don't think the plumber who is taking business courses so he might one day run his own business, or the nurse who is advancing her skill level so she might one day reach a higher level of pay, that one ought to be favored over the other.

I strongly believe our resources should be directed to overall strengthening of the loan program and not focusing on just Government employees. I am not putting down Government employees, but I will ask you about two Government employees, one who goes to a community college and works their way through and ends up with no debt and another one who incurs a good bit of debt, one gets benefits under this program, whereas the other one doesn't. I don't think that is a good principle. I think that is hard to defend.

How much time remains?

The PRESIDING OFFICER. The Senator has 17 remaining seconds.

Mr. SESSIONS. I thank the Chair, and I thank Senator KENNEDY. I know the bill does do some good things with regard to Pell grants and to focusing more of our loan money on some of the professions and areas of our economy that need more students involved, so I salute that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we have 4 minutes. Earlier in the day, we had a good exchange with the Senator from Alabama. I pointed out that Alabama, under this legislation, gets an additional $442 million over the next 5 years in grant aid. My own State of Massachusetts gets $317 million. Alabama does exceedingly well, and that is under the need-based provisions of this program, the need-based provisions of this program.

The Senator from Alabama has raised I think three important points, and they should be addressed. First of all, the loan forgiveness is applicable to those who are on the Direct Loan Program or those who are on the Pell Grant Program. That is spelled out on page 14 of the legislation. That is spelled out on page 14.

Secondly, there is a cap—spelled out on page 30, that requires the borrower's annual adjusted gross income or annual earnings to be less than or equal to $65,000 for eligibility. So if they make more than $65,000, there is no loan forgiveness. So this is for those individuals who are working—the working middle class and the working poor.

Third, we believe, as this chart points out, that there is a value in terms of public service employment. We have heard the announcement about the COMPETE Act and about those who are going to go to conference on the COMPETE Act. That bill addresses math and science education and many other important areas. Try to find a good math teacher to serve the public schools of Boston—it's extremely difficult—a good science teacher, a good chemistry teacher to work in a high-need school. Try to find individuals who are going to work with the disabled population. Increasingly, we are finding challenges in meeting the needs of our elderly population so they can have independent living. We have listed the range of what we consider to be public service fields in this bill, and it is extensive. There is enormous need in America. There is an enormous desire of young people to work in those areas. The principal barrier is their indebtedness. They know that if we provide some help and assistance, which this legislation does, to provide some forgiveness, if they work 10 years—10 years—10 years they have to work in these areas in order to be eligible for some forgiveness. That is what the amendment of the Senator from Alabama wants to eliminate.

I have mentioned many times, and in traveling around to schools and colleges in my State of Massachusetts, the number of young people who want to do public service and work and make a contribution to their community, to their local communities, to their State or to the country. We were reminded earlier today by the excellent statement of the Senator from Maryland the difficulty in getting law enforcement people to work in many of the areas in the communities in Baltimore. There are important public responsibilities and services. We have a generation of young people who are prepared to do it. The principal thing that is blocking them is the limitation on their salaries. As we have seen, this chart gives you a pretty good example. A starting salary for teachers is $35,000, and the loan debt is $18,000. What this will do is provide some relief annually, up to $732, but if that teacher is a starting teacher in Massachusetts, at the end of 10 years of working with students in the public school system, they are going to get some loan forgiveness.

They are going to get a $10,000 forgiveness. This is not taxpayer money, Mr. President; this is the lenders' money. I hope the amendment will not be accepted.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) 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 42, nays 55, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—42

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Barrasso	Dole	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Collins	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Craig	Kyl	Warner

NAYS—55

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

NOT VOTING—3

Brownback	Johnson	Obama

The amendment (No. 2333) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand the Senator from Wyoming has an amendment we are going to hopefully accept on a voice vote, if it is the way I understand it to be.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. On behalf of Senator COLEMAN, I send an amendment to the desk.

Mr. COLEMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2334

Mr. COLEMAN. Mr. President, I call up amendment No. 2334.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN], for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAPO, Mr. BUNNING, and Mr. CORKER, proposes an amendment numbered 2334.

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

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

The amendment is as follows:

(Purpose: To prevent the Federal Communications Commission from repromulgating the fairness doctrine)

At the end of the bill, insert the following:

SEC. _____. FAIRNESS DOCTRINE PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the ''Broadcaster Freedom Act of 2007''.

(b) FAIRNESS DOCTRINE PROHIBITED.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

''SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

''Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, 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', as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees*, 50 Fed. Reg. 35418 (1985).''.

Mr. COLEMAN. Mr. President, this bill is about educating young people. Let them have unfettered access to information. This bill would prohibit the Government from 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.

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.

That is why I am offering this amendment which will protect America's constitutionally granted right to free speech. It will prohibit the FCC from reinstituting the fairness doctrine.

At the end of the day, there is nothing fair about the fairness doctrine. This issue is not which broadcaster is fair and which is not. The issue is who decides. 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 because a politician disagrees with it.

I ask for my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this has nothing to do with the underlying legislation. Young children in this country want this legislation, and this amendment has nothing to do with it.

The pending amendment is not germane. Therefore, I raise a point of order pursuant to sections 305(b)(2) and 310(e)(1) of the Congressional Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. The question is premature. No motion has been made.

Mr. COLEMAN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—49

Alexander	DeMint	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bayh	Ensign	Roberts
Bennett	Enzi	Sessions
Bond	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	Martinez	

NAYS—48

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

NOT VOTING—3

Brownback	Johnson	Obama

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Republican leader.

AMENDMENT NO. 2351 TO AMENDMENT NO. 2327

(Purpose: To express the sense of the Senate on the detainees at Guantanamo Bay, Cuba.)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2351.

At the appropriate place, insert the following:

SEC. ____. SENSE OF SENATE ON THE DETAINEES AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) During the War on Terror, senior members of al Qaeda have been captured by the United States military and intelligence personnel and their allies.

(2) Many such senior members of al Qaeda have since been transferred to the detention facility at Guantanamo Bay, Cuba.

(3) These senior al Qaeda members detained at Guantanamo Bay include Khalid Sheikh Mohammed, who was the mastermind behind the terrorist attacks of September 11, 2001, which killed approximately 3,000 innocent people.

(4) These senior al Qaeda members detained at Guantanamo Bay also include Majid Khan, who was tasked to develop plans to poison water reservoirs inside the United States, was responsible for conducting a study on the feasibility of a potential gas station bombing campaign inside the United States, and was integral in recommending Iyman Farris, who plotted to destroy the Brooklyn Bridge, to be an operative for al Qaeda inside the United States.

(5) These senior al Qaeda members detained at Guantanamo Bay also include Abd al-Rahim al-Nashiri, who was an al Qaeda operations chief for the Arabian Peninsula and who, at the request of Osama bin Laden, orchestrated the attack on the U.S.S. Cole, which killed 17 United States sailors.

(6) These senior al Qaeda members detained at Guantanamo Bay also include Ahmed Khalfan Ghailani, who played a major role in the East African Embassy Bombings, which killed more than 250 people.

(7) The Department of Defense has estimated that of the approximately 415 detainees who have been released or transferred from the detention facility at Guantanamo Bay, at least 29 have subsequently taken up arms against the United States and its allies.

(8) Osama bin Laden, the leader of al Qaeda, said in his 1998 fatwa against the

United States, that ''[t]he ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it''.

(9) In the same fatwa, bin Laden said, ''[w]e—with God's help—call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it''.

(10) It is safer for American citizens if captured members of al Qaeda and other terrorist organizations are not housed on American soil where they could more easily carry out their mission to kill innocent civilians.

(b) SENSE OF SENATE.—It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al Qaeda, should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, 6 years ago no one would have thought about deliberately bringing terrorists into American communities, but some of our friends on the other side of the aisle feel differently. The senior Senator from California actually has proposed that we require the President to move terrorist detainees held at Guantanamo Bay to the continental United States and to keep them here. That means moving them into facilities in cities and small towns in places such as California and Illinois and Kentucky. I can guarantee that my constituents don't want terrorists housed in their backyards in Fort Knox, Fort Campbell or, for that matter, anywhere else in the Commonwealth.

My amendment would allow the Senate to express its view that it is better for the safety and the security of the American people that the terrorists at Guantanamo Bay are not moved into American communities.

The amendment does not prohibit moving the terrorists elsewhere. It does not rule out closing Guantanamo Bay, although my personal view is that is a bad idea. All it does is say to the American people the Senate does not want these terrorists housed on our soil in our communities.

The PRESIDING OFFICER. The time of the Senator has expired.

Madam President, there has been no shortage of public debate about the detention facilities at Guantanamo Bay. Unfortunately, much of the public debate seems somewhat at odds with what is really going on. As Morris Davis wrote in a recent editorial in the New York Times, ''critics liken Guantanamo Bay to Soviet gulags, but reality does not match their hyperbole.'' Indeed, after an inspection last year by the Organization for Security and Cooperation in Europe, a Belgian police official said, ''At the level of detention facilities, it is a model prison, where people are treated better than in Belgian prisons.''

My trip to Guantanamo confirmed what Mr. Davis and many others have concluded. When I visited Guantanamo, the first detainee I came across was working out on a recumbent exercise bike.

It is worth listening to some of the complaints registered by detainees themselves. One high-value detainee has alleged that he and others were given ''cheap branded, unscented soap.'' Perhaps the U.S. military should have provided the detainees with St. Ives Apricot Scrub or Bath & Body Works Sun-Ripened Raspberry shower gel.

Mr. President, concerns over scented soap aside, the fundamental question is, what do we do with the detainees? There are several options I am willing to consider. I am willing to consider more aggressive repatriation efforts, for example. Or perhaps modifying the current facility or moving the detainees housed there to another overseas facility. One approach I oppose, however, is shipping these terrorists to our own shores. I am confident that most Kentuckians would not want al-Qaida housed down the street from them, and I would assume citizens from other States feel the same way.

To me, the fundamental question in taking any action regarding Guantanamo should be: does this step make the American people safer? Accordingly, does bringing al-Qaida to America constitute the best way to protect the American people? I myself am heartened that 528 miles of ocean separates these dangerous men from the United States.

It is perhaps worth recalling that these al-Qaida detainees take their instructions from Osama bin Laden. These are the words of their leader in his 1998 fatwa against the United States: ''The ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it.''

Here is more guidance from bin Laden to his supporters: ''We—with God's help—call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it.''

It is because of words like these and actions like 9/11 that our policy in the global war on terror has been to keep al-Qaida out of this country. Better to fight them abroad than in the U.S. Yet now some on the other side of the aisle would require that we bring terrorists to the heartland of America and house them near our very own citizens.

Lest we forget, these Guantanamo detainees include Khalid Sheikh Mohammed. As most of us know, KSM, as he is called, was the mastermind behind the attacks of September 11, 2001. This attack killed approximately 3,000 innocent men, women, and children.

These detainees also include Majid Khan. Mr. Khan was tasked to develop plans to poison water reservoirs inside the United States and was responsible for studying how to carry out a gas station bombing inside America. He also recommended Iyman Faris to al-Qaida. Iyman Faris, it will be recalled, was the man who plotted the destruction of the Brooklyn Bridge.

These detainees also include Abd al-Rahim al-Nashiri. Mr. al-Nashiri was responsible for orchestrating the attack on the USS *Cole*, which killed 17 U.S. sailors.

These detainees also include Ahmed Khalfan Ghailani. Mr. Ghailani played a major role in the East African Embassy bombings which left over 250 people dead.

Nor should we forget that approximately 415 detainees have been transferred out of Guantanamo. Of these, no less than 29 have subsequently taken up arms against the United States and its allies.

The senior Senator from California and other Democratic colleagues, however, proposed an amendment to the Defense Department authorization bill just last week that would mandate that we bring these terrorists into our own communities all across America, in cities and small towns in States like California and Illinois and Kentucky. There, they could either escape or litigate their way to freedom and then be among the innocent Americans they have sworn to kill. I guarantee you my constituents do not want terrorists housed in their backyards in Fort Knox, Fort Wright, or anywhere else in the Commonwealth.

The Feinstein proposal reflects a pre-9/11, ''criminal justice'' approach to fighting terror. The amendment I offer today to H.R. 2669, the Education Reconciliation bill, reflects quite a different view; a post-9/11 understanding of terrorism; a view that recognizes the profound and enduring peril that terrorism poses to the U.S. and its citizens. My amendment is simply a sense of the senate that the detainees housed at Guantanamo should not be released into American society or transferred stateside into facilities near American communities and neighborhoods.

For those who wish to close or modify the detention facility at Guantanamo Bay, however, my amendment is not a status quo amendment. As I discussed, my amendment would permit the administration to handle the detainees in other ways. All my amendment would do is to assure the American people that the United States Senate does not want these terrorists housed on our soil, in our communities.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

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

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

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

Mr. REID. Mr. President, we have reviewed this. This side will be willing to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Republican leader.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) 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 94, nays 3, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—94

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Cardin	Inouye	Shelby
Carper	Isakson	Smith
Casey	Kennedy	Snowe
Chambliss	Kerry	Specter
Clinton	Klobuchar	Stabenow
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lott	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wyden
Dodd	McCain	
Dole	McCaskill	

NAYS—3

Byrd	Leahy	Sanders

NOT VOTING—3

Brownback	Johnson	Obama

The amendment (No. 2351) was agreed to.

AMENDMENT NO. 2352 TO AMENDMENT NO. 2327

(Purpose: To amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board)

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2352 to amendment No. 2327.

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

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading.

The bill clerk continued with the reading, as follows:

At the appropriate place, insert the following:

TITLE—SECRET BALLOT PROTECTION

SEC. __01. SHORT TITLE.

This title may be cited as the ''Secret Ballot Protection Act of 2007''.

SEC. __02. FINDINGS.

Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. __03. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: ''or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(c) SECRET BALLOT ELECTION.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(1) by striking ''Representatives'' and inserting ''(1) Representatives'';

(2) by inserting after ''designated or selected'' the following: ''by a secret ballot election conducted by the National Labor Relations Board in accordance with this section''; and

(3) by adding at the end the following:

''(2) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Secret Ballot Protection Act of 2007.''.

SEC. __04. REGULATIONS AND AUTHORITY.

(a) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this title.

(b) AUTHORITY.—Nothing in this title (or the amendments made by this title) shall be construed to limit or otherwise diminish the remedial authority of the National Labor Relations Board.

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

Mr. DEMINT. Mr. President, as our Nation's college graduates head out into the workforce, many of them will be faced with the question of whether they should join a union. Some will get to make that decision by secret ballot, while others will not.

My amendment is very simple. It guarantees that every American worker will get a secret ballot election when deciding whether to join a union. This is especially important because there are some in this body who want to take this right away and conduct union elections by card check. This approach would open workers to harassment, intimidation, and other forms of union pressure. We need safeguards to allow employees to freely choose without intimidation and coercion from union bosses.

Recent polls have shown that 87 percent of American people agree that every worker should have the right to a secret ballot election. I urge my colleagues to protect workers' rights and vote for this amendment.

I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, time has not been all yielded to ask for the yeas and nays. Point of order. Is it in order to ask for the yeas and nays on whether the amendment is passed?

The PRESIDING OFFICER. There is a request for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. KENNEDY. Mr. President, I make a point of order.

I withhold that. I have a minute, do I not?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I do not know what bothers the Senator from South Carolina, being antiworker, anti-union. We know this is the most antiworker, anti-union administration. This has nothing to do with education. We see what is happening over on this side. Slow the process down so we cannot vote on Iraq. Slow the process down so we cannot vote on energy. Slow the process down so we cannot vote on giving the young people of this country an opportunity to go to college. When is it going to end?

The students of America and the families of America ought to know exactly what is happening out here on the floor of the Senate. This has nothing to do with education. It is an insult to the workers' committees of this country.

We know this repeals existing law—existing law, which permits, if an employer wants to have a card check, respect for it, can go along. He is repealing that provision.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, the pending amendment is not germane, and I raise a point of order pursuant to sections 305(b)(2) and 310(e) of the Congressional Budget Act.

Mr. REID. If the Senator will withhold, we are going to try to work our way through these amendments. We will see how many more people have to offer. We are not going to try to match the amendments offered by the minority. They have a right to offer these amendments. This is a very important piece of legislation. We think we should work our way through it. We are going to work on this for a little while longer. I have already indicated through the floor staff to my distinguished friend the Republican leader that if we don't finish this pretty soon—it is 8 o'clock now—we will just come back tomorrow and work on it. This could complicate things; people should understand that. Tomorrow we are obligated to have a vote on the motion to proceed to Homeland Security appropriations. If that is granted, that 30 hours will run through until the weekend. That is the process we are in. So if people want to continue offering these amendments, we will do it for a while tonight until people feel that they have offered enough in a way to get attention and focus attention away from this very good bill.

I have come to the floor several times to talk about what a great bill this is and how well it was worked by the two managers. I hope we won't spoil it. We are not going to offer any amendments. Our imagination is as good as yours, but we are not going to do that. The decision has been made. We are going to work on this bill and try to get it completed.

There has been a point of order made. My friend from South Carolina wishes to make a motion.

Mr. DEMINT. Mr. President, parliamentary inquiry, please: Will the Chair confirm how many votes are required on a motion to waive the Budget Act?

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn.

Mr. DEMINT. How many is that?

The PRESIDING OFFICER. If my arithmetic is as good as yours, it is about 60.

Mr. DEMINT. I thank the Chair for confirming that the rules require 60 votes on this matter, and I understand that controversial matters require 60 votes in the Senate.

I move to waive the applicable provisions of the Congressional Budget Act with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. 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 California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) 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 yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—42

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

NAYS—54

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

NOT VOTING—4

Brownback	Johnson
Feinstein	Obama

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Maine.

AMENDMENT NO. 2340 TO AMENDMENT NO. 2327

Ms. COLLINS. Mr. President, I call up amendment No. 2340 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. KYL, and Mr. LIEBERMAN, proposes an amendment numbered 2340 to amendment No. 2327.

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

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

The amendment is as follows:

(Purpose: To provide limited immunity for reports of suspicious behavior and response)

At the appropriate place, insert the following:

SEC. ___. IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action to respond to such activity shall be immune from civil liability under Federal, State, and local law for such action.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term ''authorized official'' means—

(A) any employee or agent of a mass transportation system;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice;

(C) any Federal, State, or local law enforcement officer; or

(D) any transportation security officer.

(2) COVERED ACTIVITY.—The term ''covered activity'' means any suspicious transaction, activity, or occurrence indicating that an individual may be engaging, or preparing to engage, in—

(A) a violent act or act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be such a violation if committed within the jurisdiction of the United States or any State; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) that involves, or is directed against, a mass transportation system or vehicle or its passengers.

(3) MASS TRANSPORTATION.—The term ''mass transportation''—

(A) has the meaning given to that term in section 5302(a)(7) of title 49, United States Code; and

(B) includes—

(i) school bus, charter, or intercity bus transportation;

(ii) intercity passenger rail transportation;

(iii) sightseeing transportation;

(iv) a passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

(v) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(vi) air transportation as that term is defined in section 40102 of title 49, United States Code.

(4) MASS TRANSPORTATION SYSTEM.—The term ''mass transportation system'' means an entity or entities organized to provide mass transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term ''vehicle'' has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on November 20, 2006, and shall apply to all activities and claims occurring on or after such date.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, if I could ask the distinguished Senator from Maine to withhold for a brief statement.

Mr. President, I have talked to Senators on both sides of the aisle. I think it is appropriate we finish this legislation tonight, or in the morning, whatever the case will be. But we are going to continue working tonight. I think that is the most appropriate thing to do.

The one thing I have asked for—and I hope the minority can complete that—is that we should have a finite list of amendments, so we at least can get that done and find out how many amendments we have to work through. I would hope the minority would work on that to see if we can come up with a finite list of amendments before final passage.

I apologize to my friend for the interruption.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, an alert citizenry is one of our best defenses against terrorist attacks. That is why the New York City subway system has signs saying: ''See Something, Say Something.'' That is just what a group of airline passengers did recently in reporting suspicious activity they thought represented a terrorist threat. What was the result? Those passengers, the pilot, the airline, and the airport were all sued. The Collins-Kyl-Lieberman amendment would protect individuals from lawsuits when they, in good faith, report reasonable suspicious behavior that may reflect terrorist activity.

The PRESIDING OFFICER. The Senate is not in order.

Ms. COLLINS. Thank you, Mr. President.

Our amendment would protect from lawsuits individual citizens who report suspicious activity. The report would have to be in good faith. It would have to be reasonable.

Mr. President, 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 Vermont is recognized.

Mr. LEAHY. Mr. President, this amendment is not germane. It is subject to the jurisdiction of the Judiciary Committee. I would be happy to hold hearings on it. This is so overbroad that you could have all kinds of problems. It could invite racial and religious profiling. Suppose somebody is wearing religious garb and it frightens somebody. They could immediately—or maybe it doesn't frighten them, but they could say it does. It broadly protects Government officials from potential misconduct. It sets a new standard for a government official responding to reports of activity, and it is basically a court-stripping bill.

If this is for more than a political point on this bill, fine, bring it to the Judiciary Committee. We will hold a hearing on it before the committee that has jurisdiction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, anybody who sees something that looks different: Hispanic, Black, someone wearing religious garb, they have a reasonable ground to turn them in under this. This is far too broad. Let it go to the Judiciary Committee—I guarantee we will have a hearing—but not on this.

I make the motion that the pending amendment is not germane. I raise a point of order pursuant to section 305(b)2 and 310(e)1 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—57

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Baucus	Domenici	McConnell
Bayh	Dorgan	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Roberts
Bunning	Graham	Schumer
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Clinton	Hagel	Smith
Coburn	Hatch	Snowe
Cochran	Hutchison	Specter
Coleman	Inhofe	Stevens
Collins	Isakson	Sununu
Conrad	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lott	Warner

NAYS—39

Akaka	Harkin	Murray
Biden	Inouye	Nelson (FL)
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Lautenberg	Salazar
Cardin	Leahy	Sanders
Carper	Levin	Stabenow
Casey	Lincoln	Tester
Dodd	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NOT VOTING—4

Brownback	Johnson
Feinstein	Obama

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2356 TO AMENDMENT NO. 2327

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 2356 to amendment 2327:

At the appropriate place insert the following:

Since I. Lewis ''Scooter'' Libby previously served as Chief of Staff to Vice President Dick Cheney;

Since Mr. Libby was convicted in federal court of perjury and obstruction of justice in connection with efforts by the Bush White House to conceal the fact that Administration officials leaked the name of a covert CIA agent in order to discredit her husband, a critic of the Iraq War;

Since U.S. District Court Judge Reggie Walton sentenced Mr. Libby to 30 months in prison to reflect the seriousness of the offense, the sensitivity of the national security information involved in Libby's crime, and the abuse of Mr. Libby's position of trust in the United States government;

Since President Bush chose to commute Mr. Libby's prison sentence in its entirety, thereby entitling Libby to evade serious punishment for his criminal conduct;

Since President Bush has refused to rule out the possibility that he will eventually issue a full pardon to Mr. Libby with respect to his criminal conviction;

Now therefore be it determined that it is the Sense of the Senate that President Bush should not issue a pardon to I. Lewis ''Scooter'' Libby.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute.

Mr. SALAZAR. Mr. President, it is, frankly, regrettable that as we work on this floor on an issue that is absolutely important to the people of this country; that is, the future of our children and their education and providing them with the opportunity to have the American dream, that we are having to have votes on politically motivated amendments that are coming forward from the other side. It would be in the best interest of this institution and the American people to stop this and not to go forward with these kinds of amendments.

Regrettably, if you are going to shoot this way, we have to shoot that way. I ask my colleagues to send the sense of the Senate to the President of the United States that he should not pardon Scooter Libby.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I believe there is an opportunity for someone to speak against the amendment; is that correct?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 1 minute.

Mr. KYL. Mr. President, until this last amendment, I haven't seen politically inspired amendments before this body, and we don't have to vote on politically inspired amendments.

As the distinguished Presiding Officer knows, a suggestion of political motivation is a violation of the rules of the Senate, and I don't believe that any of these amendments have been politically inspired.

The next one offered by Republicans has to do with Pell grants. I think the senior Senator from California had a very serious amendment with respect to detainees at Guantanamo, and there was an amendment which related to that issue. We had an amendment on the fairness doctrine, another on the Secret Ballot Protection Act.

These are serious amendments. I am sure my colleague did not wish to suggest they were politically inspired. I hope that we don't get into politically inspired amendments and that our colleagues will vote against the amendment that has been offered just for that reason.

The PRESIDING OFFICER. Time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

(Subsequently, action on this amendment was vitiated.)

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 2357 TO AMENDMENT NO. 2327

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2357 to amendment No. 2327:

Deploring the actions of former President William Jefferson Clinton regarding his granting of clemency to terrorists, to family members, donors, and individuals represented by family members, to public officials of his own political party, and to officials who violated laws protecting United States intelligence, and concluding that such actions by former President Clinton were inappropriate.

The Armed Forces of National Liberation (the FALN) is a terrorist organization that claims responsibility for the bombings of approximately 130 civilian, political, and military sites throughout the United States, and whereas, on August 11, 1999, President Clinton commuted the sentences of 16 terrorists, all of whom were members of the FALN, and whereas this action was taken counter to the recommendation of the Federal Bureau of Investigation, the Federal Bureau of Prisons, and two United States Attorneys;

Since, on January 20, 2001, former President Clinton commuted the sentence of Susan L. Rosenberg, a former member of the Weather Underground Organization terrorist group whose mission included the violent overthrow of the United States Government, who was charged in a robbery that left a security guard and 2 police officers dead;

Since, on January 20, 2001, former President Clinton commuted the sentence of Linda Sue Evans, a former member of the Weather Underground Organization terrorist group, who made false statements and used false identification to illegally purchase firearms that were then used by Susan L. Rosenberg in a robbery that left a security guard and 2 police officers dead;

Since, on January 20, 2001, former President Clinton pardoned Patricia Hearst Shaw, a former member of the Symbionese Liberation Army, a domestic terrorist group which also advocated the violent overthrow of the United States, and that carried out violent attacks in the United States;

Since, on January 20, 2001, former President Clinton pardoned his half-brother Roger Clinton, who had been convicted of conspiracy to distribute cocaine and of distribution of cocaine;

Since, on March 15, 2000, former President Clinton pardoned Edgar and Vonna Jo Gregory, who had been convicted of conspiracy to willfully misapply bank funds and to make false statements and who, according to news reports, were represented by the former President's brother-in-law, Tony Rodham;

Since, on January 20, 2001, former President Clinton commuted the sentence of Carlos Vignali, a convicted cocaine trafficker who, according to news reports, was represented by the former President's brother-in-law, Hugh Rodham;

Since, on January 20, 2001, former President Clinton pardoned Almon Glenn Braswell, an individual convicted of money laundering and tax evasion, who according to news reports, was represented by former President's brother-in-law, Hugh Rodham;

Since, on December 22, 2000, former President Clinton pardoned former Democratic Representative Dan Rostenkowski, who had been convicted of mail fraud;

Since, on January 20, 2001, former President Clinton commuted the sentence of convicted sex offender and former Democratic Representative Mel Reynolds, who had been found guilty of bank fraud, wire fraud, making false statements to a financial institution, conspiracy to defraud the Federal Elections Commission, and making false statements to a Federal official;

Since, on January 20, 2001, former President Clinton pardoned his former Secretary of Housing and Urban Development Henry Cisneros, who had been convicted of making false statements about payments to his mistress;

Since, on January 20, 2001, former President Clinton pardoned Susan McDougal, who had been a key figure in the Whitewater investigation and who had been convicted of aiding and abetting, in making false statements, and who refused to testify against the former President in the investigation;

Since, on January 20, 2001, former President Clinton pardoned Christopher Wade, who was a real estate salesmen involved in the Whitewater matter;

Since, on January 20, 2001, former President Clinton pardoned his former Director of Central Intelligence John Deutch for his mishandling of national security secrets; and

Since, on January 20, 2001, former President Clinton pardoned Samuel Loring Morison, a former Navy intelligence analyst who was convicted on espionage charges: Now, therefore, be it determined that it is the sense of the Senate that

(1) former President Clinton's granting of clemency to 16 FALN terrorists, two former members of the Weather Underground Organization, and a former member of the Symbionese Liberation Army was inappropriate;

(2) former President Clinton's granting of clemency to individuals either in his family or represented by family members was inappropriate;

(3) former President Clinton's granting of clemency to public figures from his own political party was inappropriate;

(4) former President Clinton's pardons of individuals involved with the Whitewater investigation, a matter in which the former First Family was centrally involved, was inappropriate; and

(5) former President Clinton's pardons of individuals who have jeopardized intelligence gathering and operations were inappropriate.

The PRESIDING OFFICER. The Republican leader is recognized for 1 minute.

Mr. MCCONNELL. Mr. President, if the Senate has decided to go into debating the appropriateness of future pardons, there is plenty of material to go around on past pardons. President Clinton's decision to pardon a host of individuals convicted of serious crimes then is certainly worthy of Senate comment as well.

Many of the individuals were convicted of the crime of terrorism. Some

were individuals who jeopardized intelligence gathering. Some were family members and represented by family.

My fundamental point is if the Senate wants to spend the evening commenting on the advisability of pardons that have not yet occurred, maybe we ought to go on record discussing the appropriateness of pardons that have already occurred.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, what in the world does the Republican leader have against this legislation? The legislation we have here before the Senate passed 17 to 3. The authorizing provision that changes policy was virtually unanimous. Young people all over the country are looking in on the Senate. This is about the future of this next generation, their hopes and their dreams. It is about our country and being able to compete in the world. It is about the quality of our Armed Forces, about getting well-trained, well-educated young people. It is about our institutions, whether they are going to be functioning and working.

Why can't we go ahead and vote on this legislation? We were here for 2 days waiting for different amendments on education and few of them came. Why in the world are you holding up this legislation that means so much to the future of our young people? We are prepared to vote. We didn't have amendments over here on our side. We want to get this legislation going ahead. We are looking forward to the reauthorization debate for next week, and we are looking forward to getting something worthy of this institution.

In the 45 years I have been in the Senate under the leadership of Stafford of Vermont, of Claiborne Pell of Rhode Island, of the Members whom we have had here—we have had true commitment.

Why are we disrupting this effort?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that on the Salazar amendment, the vote be vitiated, stricken from the RECORD, and that we not have a rollcall vote on the amendment that was offered by my distinguished counterpart, Senator MCCONNELL.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I very much agree with the consent agreement the majority leader propounded. I think we have a chance here to wrap up this bill in the next hour, hour and a half. We are whittling down the amendments. I have given a list to the majority leader.

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

Mr. REID. Mr. President, I do say there has been—I say this with everyone here—I said a few things today when no one was here. But I complimented these two managers of this bill. They have been exemplary, the way they—with two different political philosophies, we all know that, but they have worked together, not just this year but for a number of years, to put out some good legislation in that committee.

I do not want to make any of the chairmen and ranking members feel bad, but this committee has a lot of good work they have finished and they will be able to bring to this floor things we have been waiting for for years. I appreciate the intensity of everyone's feelings on issues.

I ask unanimous consent that the only amendments remaining in order on this piece of legislation subject to second-degree amendments be the Coleman amendment, innocent child; Graham amendment, no Pell grants for drug dealers; Cornyn amendment, H–1B visas; Sununu amendment, tuition deduction permanence; DeMint amendment, adoption tax permanence; Ensign amendment, Social Security for illegal immigrants; Dole amendment, voter ID; Kyl amendment, AMT repeal.

We are going to be very selective in our second-degree amendments. We hope we can move through this very quickly.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I want to understand what the majority leader's position is with regard to the possibility of second degrees.

Mr. REID. I have told the Republican leader we definitely will have an amendment on No. 6. I told everybody that. You already have that amendment. We will look at these others. I haven't seen those. But you will have plenty of time to look at them. They will be relating to the subject matter of the amendment that is offered.

Mr. MCCONNELL. Mr. President, my concern is to make sure these first-degree amendments do, in fact, get votes.

Mr. REID. Mr. President, we will not prevent votes on these, subject to second-degree amendments and points of order.

Mr. MCCONNELL. Understood.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, I want to ask both of the leaders—I have not even given any speeches; you all are lucky. But let me ask, is it the intent now that we are at this point that we are not going to—whatever amendments are left, we do not intend to get back into the regime of amendments we just got through taking out by unanimous consent? Those ideas are no longer—we are not going to consider them? I am not agreeing to unanimous consent unless you are agreeing to that. We are not just agreeing to these amendments and second-degrees, we are not going to have that kind of amendment.

Mr. REID. I would hope on this bill and any other bill.

Mr. DOMENICI. I am not talking about any other bill.

Mr. REID. On this bill, yes.

Mr. MCCONNELL. If I may, the majority leader has the list. They do not include content of the kind we were dealing with in the last two amendments, so I think the Senator from New Mexico will be pleased.

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

AMENDMENT NO. 2357 WITHDRAWN

Mr. REID. If my friend would withhold.

Would the Chair withdraw the McConnell amendment?

The PRESIDING OFFICER. Without objection, it is so ordered. The McConnell amendment is withdrawn.

Mr. ENSIGN. Mr. President, I ask the majority leader, because I have been waiting to offer my amendment, if my amendment would be allowed to be the first amendment.

Mr. REID. I think we have the list here. We do not personally care. We do not care what order, so it is up to you. You have the next amendment.

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, I think he should proceed.

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

AMENDMENT NO. 2355 TO AMENDMENT NO. 2327

Mr. ENSIGN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. ENSIGN] proposes an amendment numbered 2355.

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

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

The amendment is as follows:

(Purpose: To reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system, by ensuring that individuals are not able to receive Social Security benefits as a result of unlawful activity)

At the appropriate place, insert the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the

date of enactment of the Higher Education Access Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Higher Education Access Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Higher Education Access Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

Mr. ENSIGN. Mr. President, I hate to be offering an amendment such as this on this bill, but as we know around here, a lot of times we do not get to offer amendments. I wanted to offer my amendment on the immigration reform debate, so we are offering it tonight because it is one of the only chances we will have to offer it this year.

My amendment denies Social Security benefits for illegal, fraud-based work. It also ensures an individual who is on a visa overstay, or someone who has a card in their name but is working here illegally will not get credit for that illegal work.

There have been many media reports recently about illegal immigrants stealing Americans' Social Security numbers. Last year I spoke about Audra, who was a stay-at-home mom since 2000. Over 200 different illegal immigrants stole her identity, used her Social Security number. She ended up owing the IRS over $1 million. That is the kind of thing we have to have stopped. We should not reward those who have stolen people's identities with Social Security benefits.

I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first, this has nothing to do with our education bill whatsoever. It is completely not germane.

Secondly, it says to every American citizen who was not born here in the United States of America, who might have been an American citizen for 30 years or 40 years, you are going to have to go back in your history and demonstrate and show you were authorized to be here for the last 30 or 40 years if you are an American citizen, if you are born outside of this country.

What in the world does that have to do with our education system? Absolutely nothing. This amendment would apply to Henry Kissinger, it would apply to Madeleine Albright, it would apply to Mel Martinez. It would apply to all American citizens who were not born in this country.

That is where we are.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 2358 TO AMENDMENT NO. 2355

Ms. STABENOW. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2358 to amendment No. 2355.

The amendment is as follows:

Strike all after line 1, page 1 and insert the following:

SEC. ___. PROHIBITION ON ILLEGAL ALIENS QUALIFYING FOR SOCIAL SECURITY BENEFITS AND PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) PROHIBITION ON ILLEGAL ALIENS QUALIFYING FOR SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Nothing in this Act, or the amendments made by this Act, shall be construed to modify any provision of current law that prohibits illegal aliens from qualifying for Social Security benefits.

(2) ENFORCEMENT.—The Attorney General shall ensure that the prohibition on the receipt of Social Security by illegal aliens is strictly enforced.

(b) PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.—

(1) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following new subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of this Act, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a United States citizen if the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was not authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of this Act the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of cover under subsection, (d), however, this provision shall not be construed to establish an effective date for purposes of this section.''.

(2) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 4159e)) is amended—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''and''; and

(C) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of this Act, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as of the date of enactment of this Act.

Ms. STABENOW. Mr. President, this amendment is very clear. It reaffirms that illegal immigrants cannot and will not receive Social Security benefits. It focuses the Attorney General to strongly and vigorously enforce this provision, and it focuses enforcement efforts against those who are here illegally, not American citizens who are naturalized and here legally.

Unfortunately, whether intended or not, the Ensign amendment would threaten the Social Security benefits of millions of Americans. It makes no sense. We need to focus the Attorney General on those who are here illegally, and make it very clear that no one who is here illegally can receive Social Security benefits, period.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. ENSIGN. Mr. President, first I want to address what Senator KENNEDY said in case there is misinformation out there in what he said, that MEL MARTINEZ and others would not qualify for benefits under my amendment. That is absolutely false. We have cleared this, we have run the traps on it. It is necessary to make sure that not just someone who is here illegally now who is stealing someone's identity but it is when they become legalized that we want to prevent them from getting Social Security benefits.

That is the problem with the Stabenow amendment, that illegals cannot get benefits now. What we want to do is prevent them, if they become legalized—that the work they did when they stole someone's Social Security number, we don't want them to have benefits.

Mr. President, is all time expired?

The PRESIDING OFFICER. All time is not expired.

Mr. ENSIGN. Mr. President, I yield back the remainder of my time.

I make a point of order that the second-degree amendment is not germane.

Ms. STABENOW. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) 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 yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—53

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

NAYS—44

Alexander	Craig	Martinez
Allard	Crapo	McConnell
Barrasso	DeMint	Murkowski
Bennett	Dole	Nelson (NE)
Bingaman	Ensign	Roberts
Bond	Enzi	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Byrd	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Coleman	Kennedy	Voinovich
Corker	Kyl	Warner
Cornyn	Lott	

NOT VOTING—3

Brownback	Johnson	Obama

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader is recognized.

Mr. REID. Mr. President, some of my Members have criticized we are not enforcing the 10-minute vote rule—10 minutes and a 5-minute leeway period. We are going to strictly enforce that. We have a lot to do tonight, so everyone should know if they are not here, after the 10 minutes, plus the 5 minutes, the vote will be terminated. The votes will be a total of 15 minutes.

AMENDMENT NO. 2355

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I raise a point of order that the amendment is not germane pursuant to sections 305(b)(2) and 310(e) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I move to waive the applicable provisions of the Congressional Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) 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 yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—57

Alexander	DeMint	Martinez
Allard	Dole	McCain
Barrasso	Domenici	McConnell
Baucus	Dorgan	Murkowski
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Graham	Roberts
Bunning	Grassley	Rockefeller
Burr	Gregg	Sessions
Chambliss	Harkin	Shelby
Coburn	Hatch	Smith
Cochran	Hutchison	Snowe
Coleman	Inhofe	Stevens
Collins	Isakson	Sununu
Conrad	Klobuchar	Tester
Corker	Kyl	Thune
Cornyn	Landrieu	Vitter
Craig	Lincoln	Warner
Crapo	Lott	Wyden

NAYS—40

Akaka	Feinstein	Murray
Biden	Hagel	Nelson (FL)
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Salazar
Byrd	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Specter
Carper	Levin	Stabenow
Casey	Lieberman	Voinovich
Clinton	Lugar	Webb
Dodd	McCaskill	Whitehouse
Durbin	Menendez	
Feingold	Mikulski	

NOT VOTING—3

Brownback	Johnson	Obama

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I see the Senator from South Carolina on his feet looking for recognition. I hope he will be recognized because I think he has an amendment that we might be able to voice vote.

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

AMENDMENT NO. 2360 TO AMENDMENT NO. 2327

Mr. GRAHAM. Mr. President, this actually relates to the bill. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 2360 to amendment No. 2327.

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

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

The amendment is as follows:

(Purpose: To discourage drug use among college students)

Strike section 701 of the Higher Education Access Act of 2007, relating to student eligibility.

Mr. GRAHAM. Mr. President, I am going to do something else unusual. I think we have an agreement to voice vote this amendment. Quite frankly, the amendment is pretty simple. I think that is why we are all going to agree to it.

Under the current student loan application process you are asked: Have you ever been convicted of a drug offense? That question determines whether or not you are eligible for a period of time to get student loan money. If you have been convicted of simple possession, you are ineligible for a year; the second offense, 2 years; the third offense, indefinite ineligibility. If you sold, first offense, two years of ineligibility from date of conviction.

The application has a question that I think makes all this relevant: ''Have you ever been convicted'' is the question. That has been taken off the application. It needs to stay on. I would urge everyone to support this amendment to keep current law as it is.

Mr. KENNEDY. Mr. President, I urge our Members to support this amendment. Those who are ineligible because of drug usage, for the Pell grants, will be ineligible under our legislation. This clarifies it. We had simplified the application form. The Senator's amendment addresses that simplification, and we will accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2360) was agreed to.

Mr. KENNEDY. Mr. President, I see the Senator from Minnesota is seeking recognition.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 2359 TO AMENDMENT NO. 2327

Mr. COLEMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN] proposes an amendment numbered 2359 to amendment No. 2327.

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

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

The amendment is as follows:

(Purpose: To protect innocent children)

At the end, add the following:

SEC. _____. INNOCENT CHILD PROTECTION.

(a) IN GENERAL.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States, to carry out a sentence of death on a woman while she carries a child in utero.

(b) DEFINITION.—In this section, the term ''child in utero'' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

Mr. COLEMAN. Mr. President, my amendment, the protection of the innocent child, will prohibit any level of government—Federal, military, and State governments—from carrying out a death sentence on a pregnant woman.

In existing law, the Violent Crime Control and Law Enforcement Act of 1994 already prohibits Federal executions of a woman while pregnant. However, this law does not apply to the military or States. In fact, most executions are carried out by States. Additionally, the existing law does not recognize the principle of the unborn child is innocent and, therefore, must be shielded from wrongful execution.

My amendment does not reflect any point of view on the desirability or appropriateness of capital punishment. This amendment is grounded in the undeniable fact that a human being is being carried by the pregnant woman and cannot possibly be guilty of a crime and, therefore, should not be subject to the death penalty itself.

Women do become pregnant in prison, even at maximum security facilities, from sad and unfortunate situations involving rape or having relations with a guard. Congress should prevent the government at any level from taking the life of an innocent human being by prohibiting within all U.S. jurisdictions any death sentence from being carried out when a woman convicted of a capital crime is pregnant.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, we could accept this antideath penalty amendment, and we are going to accept it, so we would rather avoid a vote, if we might. We are willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2359) was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, let me ask unanimous consent to proceed for 30 seconds. We have three tax amendments and one voter ID. They are still remaining on the list, so that is what we will try to address next.

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

AMENDMENT NO. 2341 TO AMENDMENT NO. 2327

Mr. SUNUNU. Mr. President, I call up amendment No. 2341 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 2341 to amendment No. 2327.

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

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

The amendment is as follows:

(Purpose: To permanently extend certain education-related tax incentives)

At the appropriate place, insert the following:

SEC. _____. PERMANENT EXTENSION OF CERTAIN EDUCATION-RELATED TAX INCENTIVES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title IV of such Act (relating to affordable education provisions).

Mr. SUNUNU. Mr. President, I am pleased to offer this amendment that has a great deal to do with education. That is the underlying issue that we are debating tonight. We have an important bill that tries to address accessibility of higher education for millions of Americans, and my amendment addresses that very subject by extending a number of important provisions that are currently in tax law, but they expire in 2010. These are provisions that have broad bipartisan support, provisions that many in this Chamber have voted for time and again; allowing a $2,000 contribution to educational savings accounts, having an exclusion for your employer if they provide you with education assistance to encourage those employers to foster additional education for their employees; having tax exempt bonds for qualified education facilities; giving deductions, tax deductions for tuition to millions of Americans across the country seeking higher education, and allowing a deduction of student loan interest, not just for those who itemize on their taxes but for all Americans.

I hope my colleagues will support me in this effort to extend these existing provisions in law, and I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, certainly the sentiments of this amendment are absolutely correct. We certainly want to increase deductibility.

As my friend from New Hampshire knows, I have worked long and hard on this and was able to work with some others—the Senator from Maine and some others—to actually get into law and then get extended a $4,000 tuition deductibility for the vast majority of families.

But the trouble with this amendment, of course, is not only is it not paid for, but if it were to be added to this bill, it would rob from Peter to give to Paul because it would undo all of the good things in the underlying bill—not just the Pell grants but the excellent provision that says that no one, even of middle income and higher middle income, should pay more than 15 percent of their adjusted earnings when they pay back their student loans.

So I will be offering a second-degree amendment that says we certainly agree with increasing tuition deductibility but not at the expense of what the Senator from Massachusetts and the Senator from New Hampshire are trying to do.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 2361 TO AMENDMENT NO. 2341

Mr. SCHUMER. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2361 to amendment No. 2341.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment strike all after the first word and insert the following:

It is the sense of the Senate that Congress should provide tax relief to help families afford the cost of higher education, including making tuition deductible against taxes, and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a ''blue slip'' by the House.

Mr. SUNUNU. Mr. President, is there time remaining on the second-degree amendment?

The PRESIDING OFFICER. Two minutes of debate equally divided.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, this second-degree amendment expresses the sense of the Senate that Congress should provide tax relief to help families afford the cost of higher education, including making tuition deductible against taxes and eliminate wasteful spending such as spending on the necessary tax loopholes, in order to fully offset the costs and forcing taxpayers to pay substantially more interest to foreign creditors.

We do believe on this side in pay-go. We are going to pay for the worthy programs we want to enact and put our fiscal house in order. This amendment expresses that. It expresses the view also that we should not jeopardize that, because if this amendment were to be adopted, it being tax legislation, the bill would be blue-slipped by the House and sent back to the Finance Committee, and all of the good work we have done over the last day or two and the great things that would be done to help those who need Pell grants and those middle-class students who will have their loan repayments capped will be gone down the drain. That is what the second-degree amendment does.

I yield the remainder of my time.

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

Mr. SUNUNU. Mr. President, I have three quick points. I certainly trust the Finance Committee. If the Finance Committee believes in all these tax provisions, it could send the bill back expediently, and it could move on its merry way. But the suggestion that doing the right thing on taxes is incompatible with the Senate doing its work is wrong.

Second, this is a second degree. It is a sense of the Senate that we agree with all these tax provisions. But we don't quite agree enough to actually write them into law. I think that is a little disappointing and disingenuous. I think if we believe this is good policy, it is the right thing to encourage accessibility of higher education, if it is the right thing to do for the 75 percent of filers in that $50,000 to $65,000 range to take advantage of these provisions, we should put it in this bill and pass it into law, and we should make sure these provisions continue to be accessible to the Americans who use them.

I make a point of order that this second-degree amendment is nongermane, and I ask for the yeas and nays on the point of order.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) 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 48, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—48

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

NAYS—48

Alexander	DeMint	Martinez
Allard	Dole	McCain
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NOT VOTING—4

Brownback	Johnson
Byrd	Obama

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The majority leader is recognized.

Mr. REID. Mr. President, I have conferred with my Republican friends. It will be in everyone's interest if the votes be 10 minutes. That is the vote will be cut off at 10 minutes. I ask unanimous consent that be the case.

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

Mr. REID. Mr. President, I hope people will stay in the Chamber. It makes it very difficult for staff if they are in and out of here. We have as many as seven more votes, eight more votes. Probably seven. If they are willing to stay here, we can whip through them in an hour; otherwise, it is going to take a long time.

Let's proceed with the underlying amendment.

AMENDMENT NO. 2341

Mr. KENNEDY. Mr. President, I raise a point of order against the amendment pursuant to section 305(b)(2) and 310(e) of the Congressional Budget Act.

Mr. SUNUNU. Mr. President, I move that the applicable portions of the Budget Act be waived, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The yeas and nays resulted—yeas 47, nays 48, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—47

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

NAYS—48

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

NOT VOTING—5

Brownback	Johnson	Obama
Byrd	Lott	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

CORRECTION OF VOTE

Mr. SHELBY. On rollcall vote No. 265, I was present and voted ''yea.'' The official record has me listed as absent. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

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

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

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 2339 TO AMENDMENT NO. 2327

Mr. CORNYN. Mr. President, I call up amendment No. 2339 at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself, Mr. ENZI, Mr. GREGG, and Mr. SMITH, proposes an amendment numbered 2339 to amendment No. 2327.

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

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

The amendment is as follows:

(Purpose: To provide interim relief for shortages in employment-based visas for aliens with extraordinary ability and advanced degrees and for nurses)

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT-BASED VISAS.

(a) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1994, 1996, 1997, 1998,'' after ''available in fiscal year'';

(B) by striking ''or 2004'' and inserting ''2004, or 2006''; and

(C) by striking ''be available'' and all that follows and inserting the following: ''be available only to—

''(A) employment-based immigrants under paragraphs (1), (2), and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

''(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act; and

''(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''1999 through 2004'' and inserting ''1994, 1996 through 1998, 2001 through 2004, and 2006''; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from fiscal years 1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

''(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor shall be 61,000.

''(II) The visas remaining from the total made available under subclause (I) shall be allocated equally among employment-based immigrants with approved petitions under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (and their family members accompanying or following to join).''.

(b) H–1B VISA AVAILABILITY.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) in clause (vi), by striking ''and'' at the end;

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) 65,000 in each of fiscal years 2004 through 2007;

''(viii) 115,000 in fiscal year 2008; and''.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. CORNYN. Mr. President, no one disputes that a key part of America's economy is our ability to innovate and retain the most qualified workers, especially in areas such as math, science, and engineering. There is one step Congress can take this year to help provide at least temporary relief. My amendment would allow the Department of State and the Department of Homeland Security to recapture unused employment-based visas. These unused visa numbers would go to nurses, physical therapists, and other key areas for people with extraordinary ability with advanced degrees.

This amendment would also include a one-time H–1B visa increase of 115,000 for fiscal year 2008 only, given if that cap was hit in the first day this year.

This amendment will go a long way to help provide the legal workers who are the lifeblood of the U.S. economy. I urge my colleagues to support this amendment.

Mr. DURBIN. Mr. President, this H–1B visa issue was debated during the course of the immigration bill. We decided to increase the number of the H–1B visas but also increase the safeguards against abuse. We know abuses are taking place. We wanted to be sure American workers have first chance at these jobs, No. 1; and, No. 2, we want to stop these foreign job shops that are using thousands of these H–1B visas to outsource jobs in the United States then back to their home country.

None of those reforms are included. All we have is an increase in the H–1B visa numbers. We need a balanced and coordinated approach that increases the numbers with the safeguards. Unfortunately, Senator CORNYN's amendment does not do that, and I urge my colleagues to oppose it.

Mr. President, the pending amendment is not germane. Therefore, I raise a point of order pursuant to section 305(b)(2) and section 310(e) of the Congressional Budget Act of 1974.

Mr. CORNYN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the Budget Act for the consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The yeas and nays resulted—yeas 55, nays—40, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—55

Alexander	DeMint	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Roberts
Bond	Grassley	Schumer
Bunning	Gregg	Shelby
Burr	Hagel	Smith
Cantwell	Hatch	Snowe
Chambliss	Hutchison	Specter
Coburn	Inhofe	Stevens
Cochran	Isakson	Sununu
Coleman	Klobuchar	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Warner
Cornyn	Lieberman	Wyden
Craig	Lugar	
Crapo	Martinez	

NAYS—40

Akaka	Feinstein	Pryor
Biden	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Cardin	Kohl	Sanders
Carper	Lautenberg	Sessions
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	
Feingold	Nelson (FL)	

NOT VOTING—5

Brownback	Johnson	Obama
Byrd	Lott	

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2362 TO AMENDMENT NO. 2327

Mr. DEMINT. Mr. President, I call up amendment No. 2362.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2362 to amendment No. 2327.

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

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

The amendment is as follows:

(Purpose: To repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs)

At the appropriate place, insert the following:

SEC. _____. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).''.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. DEMINT. Mr. President, I may have an amendment that we can actually all agree on tonight.

As many of my colleagues know, the infant adoption tax credit is a powerful tool that is making it possible for thousands of American families to open their homes to children in need. I know everyone here agrees with me that there is nothing more important than for a child to have someone to call a mom and a dad. There is nothing more important to the success of education than a good family.

Unfortunately, the current adoption tax credit is scheduled to sunset in 2010. If we don't make this tax relief permanent, adoption taxes will go up and many American families will not be able to afford the expenses associated with adoption, which are now between $10,000 and $25,000. I wish to thank all the people in this Chamber who have done so much for the cause of adoption, especially Senator LANDRIEU, Senator CRAIG, and Senator BUNNING, whose amendment we are actually bringing up today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. Mr. President, I urge all my colleagues to vote for this amendment.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized for 1 minute on this amendment.

Mr. KENNEDY. Mr. President, a very basic and fundamental issue. This is a constitutional issue. The taxes that are raised result in a blue slip, which effectively is automatically exercised. The chairman of our Budget Committee, the Senator from North Dakota, understands this and understands it well. It effectively ends the bill. It effectively ends the bill constitutionally.

I understand the Senator from Louisiana is going to have an alternative. There are only three tax provisions, but the tax provisions that are offered effectively result in what is a constitutional blue slip. I have not talked about killer amendments or poison pills, I am talking about this constitutionally.

I see the Senator from North Dakota, from the Budget Committee, agrees.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Louisiana is recognized.

AMENDMENT NO. 2363 TO AMENDMENT NO. 2362

Ms. LANDRIEU. Mr. President, I would like to offer a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2363 to amendment No. 2362.

Strike all after the first word and insert:

It is the sense of the Senate that Congress should permanently extend the adoption tax credit and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a ''blue slip'' by the House.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Ms. LANDRIEU. Mr. President, I offer this second-degree. I appreciate the Senator's compliments about the work we have done to put this tax credit on the books. It is a very important tax credit, but if we are going to have it, we need to pay for it.

The problem with the first-degree amendment is it is not paid for and it is going to jeopardize the underlying bill. So, yes, we do need to extend this tax permanently but not on this bill and not tonight, and we need to find a way to pay for it. That is why I am offering this amendment as a second-degree.

I ask all of us who are supporting it to vote for the second-degree amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator for her comments as well. We all know adoption is an important issue. I wish the situation were such in the Senate that we could bring this up at a different time. As we look forward to between now and the rest of this year and, frankly, through 2008, it is going to be very difficult to get this amendment up. We know the process of getting back to the Finance Committee and then back as part of this bill will not bring this bill down. I encourage my colleagues to look at the greater good, the issue here. There is no reason we can't create some predictability with the adoption tax credit so we can continue to grow the number of adoptions in this country.

For that reason, I raise a point of order that the pending second-degree amendment is not germane.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of the act for the purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—48

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

NAYS—48

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Smith
Chambliss	Gregg	Snowe
Coburn	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lugar	Warner

NOT VOTING—4

Brownback	Lott
Johnson	Obama

The PRESIDING OFFICER. On this vote the yeas are 48, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I make a point of order that the amendment is not germane, and raise a point of order pursuant to section 305(b)(2) and section 310(e) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable portion of the Budget Act, and ask for the yeas and nays on amendment No. 2362.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

the Senator from Mississippi (Mr. LOTT).

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

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—48

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

NAYS—48

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

NOT VOTING—4

Brownback	Lott
Johnson	Obama

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from North Carolina is recognized.

AMENDMENT NO. 2350 TO AMENDMENT NO. 2327

Mrs. DOLE. Madam President, I have an amendment at the desk, No. 2350, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE], for herself, and Mr. MCCONNELL, proposes an amendment numbered 2350 to amendment No. 2327.

Mrs. DOLE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification)

At the appropriate place, insert the following:

SEC. ___. IDENTIFICATION REQUIREMENT.

(a) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(A) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(B) by inserting after section 303 the following new section:

''SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(B) The table of contents of the Help America Vote Act of 2002 is amended—

(i) by redesignating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively; and

(ii) by inserting after the item relating to section 303 the following new item:

''Sec. 304. Identification of voters at the polls.''.

(b) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

''PART 7—PHOTO IDENTIFICATION

''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements under section 304.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements under section 304; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements under such section.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements under section 304.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as may be necessary for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

''PART 7—PHOTO IDENTIFICATION

''Sec. 297. Payments for free photo identification.

''Sec. 298. Authorization of appropriations.''.

Mrs. DOLE. Madam President, I am proposing a commonsense measure to uphold the integrity of Federal elections. My amendment to require voters to show photo identification at the polls would go a long way in minimizing potential for voter fraud.

When a fraudulent vote is cast and counted, the vote of a legitimate voter is cancelled. This is wrong, and my amendment would help ensure that one of the hallmarks of our democracy, our free and fair elections, is protected.

This provision was approved by the Senate in the 109th Congress when it was filed by Minority Leader MCCONNELL, who I am proud to have as a cosponsor of this amendment.

Opinion polls repeatedly confirm that Americans overwhelmingly support this initiative. I strongly encourage my colleagues to stand with the American people and support this measure.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I rise to speak against this measure. If one would want to suppress the election, suppress the vote in the 2008 election, one would vote for this because this measure goes into effect January 1, 2008. It provides that everybody who votes essentially would have to have a photo ID. If you want to suppress the minority vote, the elderly vote, the poor vote, this is exactly the way to do it. I urge a ''no'' vote. Many of these people do not have driver's licenses. This amendment would cost hundreds of millions of dollars to actually carry out. It is a grant program to the States, but it goes into effect—surprise—January 1, 2008. I urge a ''no'' vote.

The pending amendment is not germane. Therefore, I raise a point of order pursuant to sections 305(b)(2) and 310(e) of the Congressional Budget Act of 1974.

Mrs. DOLE. Madam President, I move to waive all applicable provisions of the Budget Act for the consideration of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 269 Leg.]

YEAS—42

Alexander	Crapo	Kyl
Allard	DeMint	Lugar
Barrasso	Dole	Martinez
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Grassley	Shelby
Coburn	Gregg	Smith
Cochran	Hagel	Specter
Coleman	Hatch	Stevens
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Warner

NAYS—54

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

NOT VOTING—4

Brownback	Lott
Johnson	Obama

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we are coming to the final amendment. There will be one consent agreement that Senator ENZI and I have, and then final passage. I hope we will give the Senator from Arizona time so we can hear him.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2353

Mr. KYL. Madam President, I have an amendment at the desk, No. 2353, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2353.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax)

At the appropriate place, insert the following:

SEC. __. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

''For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2007, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended to read as follows:

''(c) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

''(B) the tentative minimum tax for the taxable year.

''(2) TAXABLE YEARS BEGINNING AFTER 2007.—In the case of any taxable year beginning after 2007, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Mr. KYL. Madam President, the AMT patch that protected most taxpayers from the alternative minimum tax expired on December 31 of last year. As a result, 15 million additional taxpayers on top of the 4 million taxpayers already subject to AMT are subject to the tax this year. This bill affords us an opportunity to correct the problem now, and we should. We are halfway through the year, and the tax is adding up. The AMT should be repealed as soon as possible.

The text of my amendment is identical to a bill introduced by Senator BAUCUS on January 4. It is S. 55. Very simply, the bill would repeal the individual AMT without any revenue offsets.

In his introductory statement, Senator BAUCUS noted that the AMT is a ''monster that really cannot be improved. It cannot be made to work right.'' I agree with him. That is why the Senate should vote to repeal the AMT now, before it overwhelms the middle class.

While I believe the Chair will rule it is not germane to this bill, I would suggest to my colleagues it is propitious; that this bill gives us the opportunity to act now to repeal this tax.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I say to my colleagues, if you want to kill this bill, this is the way to do it. If your real intention is to eliminate the educational assistance for millions of young people in America, vote for this amendment.

Everybody knows what is at stake. The Constitution provides revenue bills must begin in the House of Representatives. To begin it here violates the blue slip process, violates the Budget Act, and will kill this bill.

All of us know the AMT has to be fixed. In the budget we have passed it is fixed. It will be fixed by consideration in the Finance Committee, which is where alternatives for fixing it should be considered.

This is not the time. It is not the place. It violates the Budget Act. It violates the constitutional requirement for the initiation of revenue measures. I hope my colleagues will resist the Kyl amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2364 TO AMENDMENT NO. 2353

Mr. KERRY. Madam President, I have a second-degree amendment to this amendment. I call it up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2364 to amendment No. 2353.

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

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

The amendment is as follows:

Strike all after the first word and insert:

It is the sense of the Senate that Congress should provide relief from the Alternative Minimum Tax to prevent the expansion of the AMT to nearly 23 million taxpayers in 2007 and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a ''blue slip'' by the House.

Mr. KERRY. Madam President, if we are going to vote—and clearly this is blue slip material—No. 1., No. 2, it is not germane. And No. 3, it is not paid for. Madam President, $872 billion is what is contained in that. So if we are going to do the AMT, which all of us believe we ought to do, we ought to do it in a responsible way that raises the question of unnecessary spending, closing tax loopholes, and doing what is necessary to try to pay for this. That is what my amendment suggests. If you want to vote somehow to do something about the AMT, let's vote in a responsible way, do it in a way that repeals those loopholes, looks at the Tax Code, and pays for that purpose.

So accordingly, Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Madam President.

I will suggest that under the Budget Act the proposed second-degree amendment is not germane. Let me make two comments about it first.

I think it is responsible for us to repeal the AMT in the way the distinguished chairman of the Finance Committee has proposed to this body in S. 55. I happen to be a cosponsor of that bill. I think it is a very good idea.

It is true it repeals the AMT without any revenue offsets. I happen to believe, as the chairman of the Finance Committee does, that is a responsible action, given the number of Americans who otherwise would be subject to the tax.

While I appreciate the notion that a sense of the Senate that we should do tax relief on AMT would be a good thing for this body to do, one of two things will happen. Either the blue slip issue will not be a problem because it will not be raised and we can, in fact, use this vehicle to accomplish this result now or it will and, in effect, my amendment would have been the equivalent of a sense of the Senate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. Madam President, I raise a point of order under the Congressional Budget Act that the proposed second-degree amendment is not germane.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—48

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

NAYS—48

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Smith
Chambliss	Gregg	Snowe
Coburn	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lugar	Warner

NOT VOTING—4

Brownback	Lott
Johnson	Obama

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2353

The PRESIDING OFFICER. The question is on amendment No. 2353.

The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, the pending amendment is not germane; therefore, I raise a point of order pursuant to sections 305(b)2 and 310(e) of the Congressional Budget Act of 1974.

Mr. KYL. Madam President, I move that the applicable provisions of the Budget Act be waived, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The yeas and nays resulted—yeas 47, nays 49, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—47

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

NAYS—49

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

NOT VOTING—4

Brownback	Lott
Johnson	Obama

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 49. Three-fifths the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming is recognized.

AMENDMENT NO. 2338

Mr. ENZI. Senator KENNEDY and I need one more voice vote in order to clarify a definition. I ask unanimous consent to call up amendment No. 2338.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. COLEMAN and Ms. LANDRIEU, proposes an amendment numbered 2338.

Mr. KENNEDY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical correction to the definition of independent student in the Higher Education Act of 1965)

In section 480(d)(1)(B) of the Higher Education Act of 1965 (as amended by section 604(2) of the Higher Education Access Act of 2007), insert ''when the individual was 13 years of age or older'' after ''or was in foster care''.

Mr. ENZI. Madam President, I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2338) was agreed to.

Mr. BYRD. Madam President, I opposed the Ensign and Stabenow amendments regarding Social Security and illegal immigrants, because those amendments violated section 313 of the Budget Act—the Byrd Rule—which prohibits extraneous matter on budget reconciliation bills.

I oppose providing Social Security benefits to illegal aliens. I have supported and will continue to support legislation to help ensure that Social Security benefits are not provided for work unlawfully performed by illegal immigrants.

Madam President, I opposed the McConnell amendment regarding detainees at the Guantanamo Bay facility in Cuba, because it violated section 313 of the Budget Act—the Byrd Rule—which prohibits extraneous matter on budget reconciliation bills.

Mr. SPECTER. Madam President, I voted to sustain the point of order that the DeMint amendment was not germane to the pending higher education bill. There is no doubt that the DeMint amendment on labor law involving secret ballots has nothing to do with education. Therefore, it is out of order on this bill unless 60 Senators vote to waive the Budget Act.

I recently voted to invoke cloture on the so-called card check bill for reasons detailed in a lengthy floor statement that was a vote on procedure in order to debate and consider the adequacy of the NLRB's handling of unfair labor complaints including elections for union certification.

That vote and tonight's vote do not signify my position on the substantive provisions of the entitled Free Choice card check Act or the DeMint amendment.

Mrs. CLINTON. Madam President, we must develop a visa system that is not only fair but also good for America. That is why tonight, I voted against an amendment that would have raised the cap on H–1B visas without providing many of the safeguards that are necessary to the H–1B visa system. While we must maintain our competitive edge in the world by bringing in the world's most talented and keen minds, we also must take steps to ensure that the program is not abused and does not displace U.S. workers. I look forward to working with my colleagues in the coming months to achieve comprehensive H–1B reform that will improve the program in a balanced and fair manner.

I also want to express my profound disappointment that this and other unrelated issues were permitted to slow down and distract from the important work of helping more students achieve the dream of a college education. The Higher Education Access Reconciliation Act was not the place to legislate these issues and only jeopardized our ability to help millions of students who await the passage of this bill and the $17.3 billion increase in student aid that it provides.

Mr. OBAMA. Madam President, I first want to thank my colleague from Massachusetts, Senator KENNEDY, for his leadership in bringing a bill to the floor to make college more affordable for millions of students. I also want to thank him for the example he has set over many years in standing up repeatedly to protect the interests of the students of America, and in so doing, to work tirelessly for the future benefit of our economy and our country. I am fortunate to now serve on the Senate HELP Committee and have seen first hand the efforts of Senator KENNEDY and his counterpart on the minority side, Senator ENZI. I appreciate their effort, the hard work of their capable staffs, and the bipartisan collegiality that allows us today to provide much needed support to the college students of America.

The success of our Nation's youth increasingly requires a college diploma. But that diploma is becoming, for many, ever more difficult to attain. That difficulty arises not from lack of ambition or lack of ability. Increasingly, the difficulty arises from lack of any realistic way for many American families to afford the college education needed for the success of their daughters and sons.

The math here is simple. College costs have increased, but family incomes have not, nor has the Federal commitment to provide financial aid. The cost of college continues to increase for many reasons. Over the past 5 years, the cost of a 4-year public college in my State increased 47 percent. At private colleges in Illinois, the increase was 27 percent. Incomes have increased little, and so even with financial aid, 35 percent of a family's income is needed each year to pay for attendance at a 4-year public university in my State.

Federal student aid has not kept pace with these increased costs. The proportion of college expenses met by Pell grants decreased from 47 percent to 29 percent over a recent 5-year period for students in my State. Students are increasingly forced to rely on loans, and college graduates are increasingly burdened by debt. Graduates from a 4-year college in Illinois owe, on average, over $17,000 in student loan debt. That is the average.

The resulting difficulty in financing a college education impacts not only the dreams of millions of students but also the future of our country. Capable high school graduates from low- and moderate-income families are much less likely to earn a college degree than their wealthier peers. Yet competition in the global economy requires that our students attain a college degree, whether to become engineers or entrepreneurs, in order to maintain the creative and competitive workforce America needs. And for those students who do make it through college, their large debt loads make it difficult for them to choose occupations which might serve the public good but might not pay enough. Student debt is too often limiting options for those very students who should have the greatest opportunities and whose talents might provide the greatest good to society.

We must change this. The bill we are considering here today is a step in that direction. With it, we expand loan forgiveness for graduates who enter public service, we increase the threshold for income that may be earned by students receiving financial aid, and we make other significant changes. But most importantly, we increase college access by increasing the amount of support for students through increased grant aid.

My support of this legislation today echoes the first piece of legislation I introduced in the Senate. That was the Higher Education Opportunity through Pell grant Expansion Act of 2005 the HOPE Act, which called for a significant increase in the maximum Pell Grant to $5,100, financed by decreased Federal subsidies to banks and lenders. The bill we debate today would provide that increase to $5,100 by next year and further increase the maximum to $5,400 by 2011. I applaud Mr. KENNEDY and my colleagues on the HELP Committee for keeping this the main focus of the benefits provided in this package.

I realize that we are asking lenders to dig a little a deeper to help students, to come up with innovative ways to continue to provide services students, even while receiving lower subsidies from the Federal Government. But I have faith that they can do this, to the benefit of our students and our country.

I look forward to soon considering the remainder of the comprehensive package to improve higher education contained in the Higher Education Amendments of 2007. But for today, I am proud today to support this bill to bring needed assistance to college students, and I urge my colleagues to join in this effort.

Mr. FEINGOLD. Madam President, I speak today in support of the Higher Education Access Act of 2007, a bipartisan piece of legislation that will increase student aid by billions of dollars by curbing Federal subsidies to private banks and lenders. This is a significant victory for students around the country and in my State of Wisconsin, which will receive over $270 million dollars in new need-based grant aid by the year 2013. Wisconsin has a world-class higher education system, and I am pleased to support this much-needed legislation that will help open the doors to college for more students in my State.

I have long supported and led efforts in Congress to expand the availability of student aid and ensure that qualified students have access to a postsecondary education, including raising the individual Pell grant award. I was pleased to join with my colleagues in February to pass a significant increase in the maximum Pell grant award to $4,310 from $4,050, the first increase in 4 years. Earlier this year, I also joined with my colleagues, Senators KENNEDY,

COLLINS, and COLEMAN, to lead letters to both the Budget and Appropriations Committees that advocated for the highest possible increase in funding for Pell grants. The Pell grant program provides need-based aid to low income students, and I am pleased that the Higher Education Access Act retains the Pell grant's focus on need-based aid for low-income students.

Access to a higher education is increasingly important in the competitive, global environment of the 21st century workforce as an increasing number of jobs require education or training beyond high school. But while the importance of attending college continues to increase, the cost of attending college also continues to increase, which often causes financial strain on students and their families as they seek to finance the cost of higher education.

My colleagues and I have long fought against the declining purchasing power of the Pell grant by supporting substantial increases in the maximum grant award. According to data from the Department of Education, the maximum Pell grant covered half the cost of tuition, fees, room and board at public 4-year colleges 20 years ago but only covered a third of these same costs during the 2005 to 2006 period. The declining power of the Pell has impacted my State of Wisconsin as well. In 1986 to 1987, the $2,100 maximum Pell grant covered 58 percent of college costs for Wisconsin students. In 2005–06, the $4,050 maximum Pell grant only covered 38% of college costs in Wisconsin. This legislation seeks to address the declining purchasing power of the Pell grant by funding new Promise grants which will supplement the Pell grant awards received by students throughout the country and target need-based funds to Pell-eligible students.

In addition to the declining purchasing power of need-based aid like Pell, the availability of such need-based grant aid does not come close to meeting the demand for it. As a result, an increasing number of students turn to Federal and private loans to finance their education. According to the College Board, in the late 1970s, over three-fourths of the Federal aid to students were grants, while 20 percent of Federal student aid were loans. Recent data from the College Board indicates that the breakdown between grant aid and loans had switched by 2006, with grant aid only making up 20 percent of the federal student aid.

Students in my State of Wisconsin, like students in other parts of the country, are greatly affected by the Federal Government's increased reliance on student loans at the expense of grant aid. The Project on Student Debt reports that more than 60 percent of Wisconsin graduates in 2005 graduated with debt and the average student who graduated from a 4-year college in my State in 2005 owed over $17,000. While the prospect of these large debt burdens impact many students' decisions about whether to attend college, low-income students may be even less inclined to attend college if they have to take out large amounts of student loans. These students are understandably nervous about the significant debt burden they would have to undertake, and some students choose to forego college altogether for this very reason. This legislation's focus on increasing need-based grant aid for these very students takes a big step in the right direction toward promoting better access to higher education for low-income students.

Higher levels of debt can also influence the decisions students make about whether to take a job in the public interest sector or in the more-lucrative private sector after graduation. We have all heard about students who are interested in working in public interest jobs fields like teaching, law enforcement, legal aid, or State and local government but who decide against taking these public interest jobs because of their high debt loads. It is unfortunate that so many students are forced to consider their debt loads when deciding which jobs to take or pursue. The loan forgiveness and income-based repayment provisions of this legislation will help those graduating students in Wisconsin and around the country who want to pursue careers in public service.

While I applaud much of the policy included in this measure, I am disappointed that we are again seeing the reconciliation process used to advance legislation that is not primarily a deficit-reduction package. While there are better arguments for using reconciliation to consider this particular bill than there were for the reconciliation protection proposed for the legislation to open up the Alaska National Wildlife Refuge to drilling, I am still troubled by the use of this extraordinary procedure as a way to advance a significant policy change that is not primarily a deficit reduction package. Thanks to the efforts of our Budget Committee chairman, Senator CONRAD, the days when the reconciliation process could be totally subverted to protect legislation that actually worsened the deficit are over. I also commend Chairman CONRAD for insisting during the conference discussions on the budget resolution that this particular reconciliation instruction move closer to a more reasonable qualifying threshold of deficit reduction than was initially proposed. I hope that in future budget resolutions, we can further tighten the use of reconciliation to ensure that it is used for what it was intended, namely to advance significant deficit reduction.

A student's access to higher education should not depend on his or her family's income but, rather, on the student's desire to obtain a higher education. Passage of the Higher Education Access Act of 2007 moves our Nation in the right direction and represents a great victory for students in my State of Wisconsin and around the country. I have long led and supported efforts to expand Federal higher education programs, including Pell and TRIO, and I am pleased to support passage of this legislation. I look forward to working with my colleagues in the coming months and years to continue to expand important need-based grant programs so that hard-working students will be able to take advantage of the full opportunities that access to a higher education offers.

Mr. LEAHY. Madam President, I wish to express my support for the Higher Education Access Act of 2007. I applaud Chairman KENNEDY and Ranking Member ENZI for their work on crafting this bill that will widen access to higher education by providing for increased funding assistance available to American students for their higher education studies.

The need for these improvements by now should be as clear to the Senate as it is to America's families. In recent years average college tuition rates have been rising faster than inflation and outpacing student financial aid. Skyrocketing tuitions are pricing our families out of their ability to afford higher education. This trend not only closes doors to opportunity in the lives of the Nation's young people; it also poses harsh consequences on our country and our communities, in ways that are evident across our economy. I am pleased that, in this new Congress, this bill has been brought forward to reverse the direction of recent budgets that have continued to erode the Federal Government's support of higher education with deep cuts in the funding support for colleges and universities.

The Federal Government must rise to the challenge and improve our financial aid programs to ensure that college is an affordable option for all qualified students. No student should be thwarted from enrolling and graduating from college because of financial concerns. This bill accomplishes this goal through need-based grant aid to students by raising the maximum Pell grant to $5,100 next year, and up to $5,400 by 2011.

Because tuition has increased well beyond the rate of student assistance, students today are graduating with staggering debt burdens. With the weight of this debt on their backs, recent college graduates understandably gravitate toward higher paying jobs that allow them to pay back their loans. Unfortunately, all too often these jobs are not in the arena of public service or areas that serve the vital public interests of our communities and of our country. We need to be doing more to support graduates who want to enter public service, be it as a child care provider, a doctor or nurse in the public health field, or a police officer or other type of first responder.

I appreciate that the chairman has included strong provisions in this bill that will forgive the debt of borrowers who continue in public service careers

such as nursing, teaching, or law enforcement for 10 years. Under this bill, a starting teacher in Vermont earning less than $30,000, and with debt of $20,000, could have his or her loan payments capped at 15 percent, reducing monthly payments by almost 40 percent.

The increases for student aid in this bill are paid for by reducing the subsidies the government provides to lenders. I believe that increasing student assistance should be our highest priority in this bill and that this offset is a worthy and sensible exchange. However, while this bill reduces the subsidies for lenders, I am pleased that it recognizes the importance of not-for-profit lenders, by differentiating between the size of cuts intended for for-profit and for nonprofit lenders. Several States have established not-for-profit State agencies to administer financial aid and to provide their residents and students attending their schools with quality counseling services and low-cost loans. Vermont pioneered this movement by creating the Vermont Student Assistance Corporation more than 40 years ago.

I do have concerns with the auction proposal contained within this bill. I am worried that it could potentially prevent Vermonters from exercising their right to choose where to borrow money by requiring the Secretary of Education to conduct an auction to select two lenders that will be permitted to make parent loans. Bids will be sealed, invisible to the public and to Congress, and awards will be made solely on the Secretary's determination of who offers the lowest cost to the government.

We do not want to crowd out the not-for-profit agencies from providing PLUS loans to families in their State. I am hopeful that the chairman and ranking member will be willing to work on this portion of the bill in order to continue to recognize the important role of not-for-profit lenders.

Mrs. FEINSTEIN. Madam President, I rise today in support of the higher education reconciliation bill that would increase critical grant aid to our Nation's neediest college students, help make loan repayment more manageable and encourage students to pursue careers in public service.

It is crucial that we help make college more affordable and accessible for students at a time when they are struggling to pay skyrocketing college costs and taking on more debt to pay for school.

In California alone, the cost of attending a 4-year public college increased 43 percent between the school years of 2000–2001 and 2005–2006.

Furthermore, 46 percent of California students graduating from 4-year colleges in the 2004–2005 school year had student loan debt—at an average of over $15,200. Nationwide, almost two-thirds of all 4-year college graduates had loan debt.

What is even more concerning is that many students are being shut out of college altogether.

Each year, more than 400,000 low and moderate income high school graduates who are fully prepared to attend a 4-year college do not do so because of financial barriers.

It is imperative that all students seeking a college education have an opportunity to achieve their goals and this bill takes important steps to provide much-needed relief to students across the country.

Specifically, this bill would: Provide $17.3 billion in new grant aid to low-income college students. Increase the maximum award for Pell grant recipients to $5,100 in 2008 and to $5,400 in 2011. The current amount is $4,310 and this means low-income California students will be eligible for an additional $290.9 million in need-based grant aid next year, and an additional $2.5 billion over the next 5 years. Increase the family income level under which a student is automatically eligible for the maximum Pell grant from $20,000 to $30,000.

Eliminate the ''tuition sensitivity'' provision in the Pell grant program's eligibility formula that unfairly penalizes our neediest students who attend low-cost institutions, such as community colleges, from receiving the maximum Pell grant award. In California, over 260,000 community college students would benefit.

I was pleased to work with my friend and colleague, Senator BOXER, as the lead cosponsor of legislation to eliminate this unfair provision. Cap Federal student loan payments at 15 percent of a borrower's discretionary income providing needed relief to students with high loan burdens.

Provide new loan forgiveness under the Federal direct loan program for individuals in public service careers for 10 years, such as teaching, nursing or law enforcement. It would include Head Start teachers and expands on a proposal that I have been working on for several years to provide loan forgiveness to educators in this important field.

Eliminates the 3-year limitation on the period for which certain members of the Armed Forces may receive deferments on the interest on their student loans. It also extends this deferment period to cover 180 days after such a member of the Armed Forces is demobilized. Extends the amount of time student borrowers can receive a deferment for economic hardship from 3 to 6 years. Would apply to borrowers who take out their first loan after October 1, 2012.

This legislation would bring significant help to many low-income California students and those across the country who would otherwise not be able to afford a college education.

A college degree is more important than ever to ensure success in today's global economy and we must help provide students that need it most with the resources necessary to reach their highest potential.

I urge my colleagues to support this important legislation.

Mr. ROCKEFELLER. Madam President, I believe that we must provide access to higher education, which still too many hard-working American students cannot afford without the help of Federal financial aid.

I support the Higher Education Access Act because it will increase the access to education for many more students. In the 2005 to 2006 academic year, the average cost of a U.S. public college or university was $12,108, with the average Pell grant covering 33 percent of tuition, fees, and room and board. For a West Virginia public college or university in the 2005 to 2006 academic year, the average cost was $9,992, with the average Pell grant covering 41 percent of tuition, fees, and room and board. A senior in West Virginia graduating from college has an average of $16,041 in student loan debt.

This bill will help offset that cost. The first provision of the bill will increase the aid available to those students who qualify for Federal assistance. By making changes to the current provisions of the Pell grant program, more low-income students will have the opportunity to pursue higher education that otherwise might have been out of their reach.

Another vital and helpful component of this legislation is the repayment cap and loan forgiveness program, which would help repay student loans of those individuals who have decided to enter the public sector. Those students who go on to become social workers, public defenders, or teachers in high-need subject areas deserve our help getting the education they need for these essential careers.

Too often, a college graduate who wants to pursue a career in social work or another aspect of public service may not be able to afford to choose that career because of the low salaries and their high student loan debts. The Higher Education Access Act will address this concern by placing a cap on Federal student loan payments at 15 percent of a borrower's discretionary income, which will bring much needed relief to graduates with excessive loan burdens.

For example, a social worker with one child in West Virginia earning $26,800, with average loan debt of $16,041 would have his or her monthly payments reduced by $107, from $185 to $78, a reduction of 58 percent. We should encourage those willing to work in public service by offering relief from the high cost of student loans when they start off on their careers through the 15-percent cap and loan forgiveness.

Over 4 years ago, I sponsored legislation with the former Senator Mike DeWine to provide student loan forgiveness for social workers and attorneys in the child welfare system. This legislation reflects our goals and expands it to cover a broader range of public service careers—it is a strong, long-term investment in our communities and families.

The act is designed to keep rates for the lenders fair and direct as much help as possible to our students.

This year, 37,297 West Virginia students will receive $103.3 million in Pell grants. If this legislation debated today is enacted into law, West Virginia students in the coming academic year will have access to $19 million more in Pell grants and student aid.

Pell grants have not increased during the past year while the cost of education has increased exponentially. This bold increase in the Pell grant program is needed to keep pace with the changing financial demands of higher learning.

The Higher Education Access Act will provide hope and opportunity for students in West Virginia and across our country. It represents a commitment to education and a wise investment in our future. This legislation will also encourage public service, a cause to which I have long been dedicated. I am proud to support this bill and hope it will become law this year to improve student aid for the high school seniors who will begin their last year of classes in just a few weeks and all the students who will follow them.

Mr. MCCONNELL. Madam President, as written, the higher education authorization bill takes us down a dangerous fiscal road. Democrats are using a privileged rule that was originally meant to cut the deficit to expand the government instead with more than $19 billion in new mandatory spending.

Ironically, they're trying to paper over this by cutting existing programs that help teachers and students in States like mine to reach a net savings of less than $1 billion. Compare that to previous Congresses, which used reconciliation rules to save nearly $500 billion in 1990, $433 billion in 1993, $118 billion in 1997, and $39 billion in 2005. The Democratic majority is using one of the few budget tools we have for shrinking government and using it to grow government instead.

This is surprising to say the least—given that the Senate just passed a resolution by unanimous consent saying we wouldn't use these rules for new spending. Democrats conveniently dropped that provision in conference.

Both sides have used reconciliation to move tax policy in the past—Republicans to cut taxes seven times; and Democrats to raise them four times. What's unprecedented here is using it for no other reason than to create new mandatory programs and expand the government—by tens of billions of dollars. These budget shenanigans are standard operating procedure for tax and spenders, but they set an extremely dangerous precedent.

Now, I would like to say a word about the programs this bill would cut. Democrats justify the cuts to lender subsidies in the higher ed bill with the old Robin Hood line that the money they plan to take from private lenders will go to students instead. But this just isn't true in places like Kentucky, where the Federal loans of three out of every four borrowers are held by not-for-profits.

These are groups that don't have profits—they funnel their earning back to borrowers. When you cut subsidies to them, you're cutting subsidies to students, parents, nurses, and National Guard members throughout my State. To Kentuckians, this bill is a reverse Robin Hood: it takes money from our students and funnels it back to Washington.

They know what's going on, and they don't like it, regardless of their political affiliation. I just got a letter from the State Treasurer, Jonathan Miller, who also happens to chair the Kentucky Democratic Party. Here's what he wrote:

''If the additional Federal Family Education Loan Program cuts are enacted, the entire borrower benefits program will be seriously jeopardized, and the impact would be immediate and significant for thousands of Kentucky families who depend upon Kentucky's nonprofit higher education agencies to help make higher education affordable.''

Teachers in Kentucky would also get hit: Last year, thousands of teachers in my state received $15 million in student loan forgiveness from non-profit lenders like the Higher Education Student Loan Corporation and the Kentucky Higher Education Assistance Authority.

These benefits are targeted to teachers in high need subjects, like math, science, and special education. The President of the Kentucky Education Association, Frances Steenbergen, has informed me that if these cuts enacted, over 14,000 Kentucky teachers will be impacted immediately.

Republicans will have an opportunity to salvage this bill, but it won't be easy. It violates the intent of reconciliation to expand government, and slashes programs that are an enormous help to students and teachers. We'll also use the amendment process to repair some of the damage from yesterday. I think everyone was startled when the Democratic Leadership pulled the Defense Authorization bill from the floor. As the senior Senator from Arizona said, ''He was more sad than angry.''

Here's a bill that would authorize pay raises for the men and women in the military, Mine Resistant Ambush Protected, M-RAP, vehicles for Iraq, and a lot of other urgent military support. Just this week, the chairman of the Foreign Relations Committee issued a statement decrying delays in the delivery of these M-RAP vehicles—vehicles that have the potential of substantially reducing U.S. casualties in Iraq.

He sent a letter to the Defense Secretary in which he asked how it was possible ''that with our nation at war, with more than 130,000 Americans in danger, with roadside bombs destroying a growing number of lives and limbs, we were so slow to act'' in getting this technology to the troops. He should be asking the Democratic leadership today how it could have pulled the plug on a bill that authorizes the production of M-RAP vehicles.

He should ask them how they could have complained about the shameful neglect at Walter Reed—and then pulled a bill that addressed the most critical failing in our treatment of wounded soldiers and marines returning from battle He should ask them how they could pull a bill that delays a pay raise for military personnel.

Republicans have an opportunity today to restore this vital support for our military men and women, and we are going to seize it. It's unacceptable to wait: it's now late July and we haven't done a single appropriations bill—not one. The House has done six. At this rate, we won't have sent a single appropriations bill to the President by the time we leave here in August—an outrageous waste of time. These pranks and gimmicks guarantee we will have our backs to the wall in September.

Mr. KENNEDY. Madam President, as this debate comes to a close, I am reminded of the great moments in our Nation's history in which we look to the future and invested in future generations of Americans. We did it when we passed the GI bill. We did it when the Federal Government created the student loan program. We did it when we created Pell grants. And we do it again today with the largest new investment in student aid since the GI bill.

A vote for this bill is one we can cast with pride and great hope—pride in doing our part for the future of our great country and hope that our actions tonight will mean a better future for millions of young Americans. By passing this bill tonight, we will recognize that principle once again.

We know that our students today face significant challenges in paying for college. Each year, over 400,000 talented, qualified students do not attend a 4-year college because they cannot afford it.

In 1993, fewer than half of all students took out loans to finance their education, but today, more than two-thirds of students borrow for college.

Today, the average student leaves college with more than $19,000 in student loan debt.

That is why this higher education legislation is so important. We will provide more than $17 billion to help students and families pay for college. This legislation will help reverse the crisis in college affordability in several ways: It will immediately and dramatically increase the amount of aid for Pell grant recipients; it will help students manage their debt, by capping student loan payments at 15 percent of their monthly income; it will provide longer deferments in loan repayments for student borrowers facing economic hardship; and it will completely forgive

the loans of those who enter society's most needed professions. It will restore balance to our grossly unfair student loan system by reducing unnecessary subsidies for lenders.

Everything we know about the college affordability crisis tells us that low-income students and families are struggling the most. With this bill, we will increase the maximum Pell grant to $5,100 next year—a $790 increase—and to $5,400 in 2011.

I am very pleased that our legislation will expand loan forgiveness to borrowers who stay in public service professions for 10 years. 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. Under our bill, we will produce more of them, because they—and all the groups I have just mentioned—will be eligible for loan forgiveness.

The bill before us will deliver long-overdue relief to students and families across the Nation who are struggling to afford college. But there is more we can—and must—do to improve higher education for students and families.

Next week, we will take up other important changes in our higher education amendments of 2007. In this bill, we take commonsense steps to improve higher education. We will address the rising cost of college, pursue needed sunshine ethics reforms to the student loan industry, and steps to simplify the federal financial aid application form.

These are critical reforms—but the most critical steps are the ones we take tonight to dramatically increase college aid for our Nation's students.

From our earliest days as a nation, education has been the engine of the American dream. We can look to the landmark success of the GI bill to see what a difference higher education makes.

The GI bill produced 67,000 doctors, 91,000 scientists, 238,000 teachers, and 450,000 engineers. It also funded the education of three Presidents, three Supreme Court Justices and about a dozen Senators who served in this very Chamber.

This bill is a big step in the right direction. It dedicates over $17 billion for students and families to benefit from a college education and keep our country strong in the years ahead. It will help keep the doors to college open for all students, regardless of income level or background, just as the GI bill did half a century ago.

We can't let the engine of education stall today. More than ever college is the key to opportunity for students and the key to a strong America for the future. I urge the Senate to approve this important legislation.

The PRESIDING OFFICER. Is there further debate on the substitute amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2327) as amended, was agreed to.

Mr. KENNEDY. Madam President, I ask unanimous consent that upon passage of H.R. 2669, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, and that the HELP Committee be appointed as conferees, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I wonder if the majority whip would indicate whether there will be no votes tomorrow.

Mr. DURBIN. I think I will defer to the majority leader.

Mr. REID. Madam President, we have in wrap-up the agreement that we are not going to do the cloture vote on the motion to proceed to homeland security. We will proceed to that legislation as soon as we complete the additional education bill we are going to work on on Monday. We are working really hard to try to not have a lot of votes Monday night. The first vote will be 5:15. Under the order entered, there could be as many as 12 or 15 votes. We hope that doesn't occur, but it is possible. There will be multiple votes Monday. We may not be able to complete them all Monday. We hope we can, but that is where we are.

Tuesday, we will start the Homeland Security appropriations bill.

I tell all Members that we have now 2 weeks left in this work session. As I have indicated from the first day, we are going to do our best to have everybody out of here 2 weeks from tomorrow. We have a lot to do. We have to complete homeland security, work on SCHIP and complete that, we have two conference reports, one on which Senator LIEBERMAN today had a real conference. Democrats and Republicans appointed to the conference sat down to see what they could work out on the 9/11 Commission recommendations. Progress was made. Senator LIEBERMAN said he thinks that can be done early next week.

And then I had a number of conversations today with the distinguished Republican leader. We are where we are on the ethics lobbying reform. I wish we could approach it a different way. That is not going to work out, it appears. We are going to attempt to complete that also before we finish this work period.

We have a lot to do, and I know there are things people want to do a week from this weekend. We are going to try to see that they can do that. There are no guarantees. We have to finish this legislation or we will work into the August recess. Those are the choices we have. There will be no votes tomorrow.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. KENNEDY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—78

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

NAYS—18

Allard	Crapo	Kyl
Bond	DeMint	Martinez
Bunning	Ensign	McCain
Burr	Gregg	McConnell
Coburn	Hagel	Roberts
Craig	Inhofe	Vitter

NOT VOTING—4

Brownback	Lott
Johnson	Obama

The bill (H.R. 2669), as amended, was passed.

(The bill will be printed in a future edition of the RECORD).

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, and Mr. COBURN conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

MODIFICATION OF UNANIMOUS CONSENT AGREEMENT—S. 1642

Mr. REID. Madam President, I ask unanimous consent that the order governing consideration of S. 1642 be modified to provide that at the time available under the order, 2 hours be under the control of the managers, with the time equally divided and controlled; that time on first-degree amendments be limited to 30 minutes each, equally divided and controlled; that relevant second-degree amendments be in order and must be relevant to the amendment to which offered, and that an additional time of 15 minutes be available for any second-degree amendments which may be offered, equally divided and controlled; that upon the use or yielding back of all the time and the disposition of all amendments, the Senate proceed to vote on passage of the bill, with no further amendments in order after all time is expired, with the other provisions of the previous order remaining in effect.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRBUTE TO GENERAL WAYNE DOWNING

Mr. DURBIN. Madam President, I would like to mark the passing of an American hero. Retired Four-Star GEN Wayne Downing, a native of Peoria, IL, passed away on Wednesday.

General Downing personified the ideal that was ingrained into him and all cadets at West Point: ''Duty, Honor, Country.''

He spent most of his adult life wearing his country's uniform and continued to answer the call to serve even after retirement.

When General Downing retired after 34 years of military service in 1996, he was one of the country's leaders on terrorism.

After three decades as an Army Ranger, he had spent more time developing and implementing anti-terrorist and insurgent tactics than just about any man alive.

His devotion to service came early in his life.

Growing up in Peoria, his mother would read to him news reports from the battlefields of Europe where his father, PFC Francis Downing, was part of the 9th Armored Division, leading the American charge into Nazi Germany.

Private First Class Downing was killed in March 1945 in one of the final engagements of World War II.

As he grew up fatherless, Wayne would spend hours listening to the tales of his neighbor, a wounded combat veteran of the 101st Airborne division. It was while listening to those stories that he decided what he was going to do with his life.

He began his career in the Army as a junior officer in Vietnam, where he served two tours of duty and earned two Silver Stars, the Soldiers Medal, the Bronze Star with Valor and five oak leaf clusters, and the Purple Heart.

In 1974, he was hand-picked by his commander to help reform the famed Army Rangers.

During Operation Desert Storm in 1991, he commanded 1,200 U.S. Special Forces.

By the time he retired in 1996, General Downing was head of the U.S. Special Operations Command, in charge of the special operations forces of all the services, including the Navy's SEALs and the Army's Green Berets.

But retirement did not end General Downing's service to America. Two Presidents called him out of retirement to help them confront terrorism.

President Clinton tapped him to lead the investigation into the 1996 truck bomb attack that killed 19 U.S. servicemen and one Saudi and wounded 372 others at Khobar Towers, a U.S. military housing complex in Saudi Arabia.

After September 11, President Bush called General Downing out of retirement again to serve as his top counterterrorism advisor a post General Downing held for nine months.

There was not a man alive more qualified for the job.

Wayne Downing understood earlier than most the nature of the threat we face from terrorism, and he did his best to help craft a wise and effective response to that threat.

It is one of the mysteries of this life that a man who has faced such formidable foes would die from a microscopic enemy: bacterial meningitis. Family members say he died within 24 hours of contracting the illness. He was 67 years old.

I last saw General Downing on Memorial Day. He was the keynote speaker in Peoria at the dedication of a memorial to servicemembers who had died in World War I and World War II. I had the privilege of speaking at that same gathering.

When organizers of the dedication approached him about speaking, they were apologetic that they could offer him only a small stipend. Before they could finish their apology, General Downing interrupted and said it would be his honor to speak.

One of the names carved into the memorial belonged to his father.

As he rose to speak that day, it was raining. Someone tried to offer General Downing an umbrella, but he politely waved it away. He said to the crowd:

Many of you were infantry, and so was I. We didn't have umbrellas in the infantry.

He was a soldier's soldier to the end and a true patriot.

He will be missed. On behalf of the United States Senate, I would like to extend my deepest condolences to General Downing's family, his colleagues and friends. Our nation joins you in your grief. I am honored to have known this great patriot, GEN Wayne Downing of Peoria, IL.

TRIBUTE TO DORIS G. PETERCHEFF

Mr. MCCONNELL. Madam President, I wish to honor a respected Kentuckian, Mrs. Doris G. Petercheff, for the many contributions she has made to raise the political discourse in the Commonwealth of Kentucky.

Doris has spent a lifetime advising and working for candidates and elected officials she believes in. She is respected for the sound judgment she offers and the solid reputation she has established. I have known Doris for many years and am glad to call her my friend.

On Thursday, July 5, 2007, the Somerset Commonwealth Journal published an article highlighting Doris's many years of service to Kentucky. I ask unanimous consent that the full article be printed in the RECORD and that the entire Senate join me in honoring this Kentuckian.

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

[From the Somerset Commonwealth Journal, July 5, 2007]

A LIFETIME DEVOTED TO THE AMERICAN WAY

(By Bill Mardis, Editor Emeritus)

''It's been a great ride!''

''That's how Doris G. Petercheff sums up her life in the political arena. In reality, her life has been molded by politics.

''I can't remember when politics was not discussed in my home,'' said Petercheff. ''Quite frankly, it still is,'' she added.

''Petercheff, owner of One Acorn and Associates, a political consulting firm, is slowed by health problems, but her telephone still rings with questions about how to manage a political campaign.

''I interpret politics as people,'' said Petercheff. ''That's one of the things we've forgotten—people. I love people. God gave me a talent in politics . . . to help people. I never had a doubt that the Lord provided me a way to work for Congressman (Tim Lee) Carter so I could help people.'' She was 5th District office manager for Carter for 18 years.

''Petercheff was reared in a political atmosphere. Her grandfather, Jacob N. Mayfield, owned and operated a country story in the Acorn community.

''Grandpa was a great patriot. He always displayed a large American flag at the store,'' Petercheff recalls.

''I thought that flag was so beautiful,'' she said. ''I went up to Grandpa and said, 'Grandpa, what is that (flag)?' And he pulled me on his lap and told me what the flag was and how important it was.

''That was my first love of politics and my country,'' she remembers. ''I was probably 3 or 4 years old at the time.''

Mayfield was a magistrate for many years. Petercheff pointed out that those were the days before state courts were reorganized and magistrates performed many official duties such as marriages, signing birth certificates and other legal functions.

''Everybody came to the store. We were (the same as) Somerset at that time. We sold

everything you couldn't grow,'' Petercheff remembers. She said Ky. 1675, extending from Ky. 80 to Mt. Victory, was in those days the main route from Crab Orchard to Sublimity Springs, at that time a well-known health resort near Mt. Victory.

''Stagecoaches passed by here (on the way to Sublimity Springs),'' she recalled.

''We went to Somerset on 'Burden Road,' '' laughed Petercheff. ''It was really (through) Burdine Valley, but we called it 'Burden Valley.' ''

Petercheff is from a strong Republican family. Both her Grandpa Mayfield and Grandpa John Cottongim, a deputy sheriff from 1911 to 1916, were dyed-in-the-wool Republicans.

As a professional consultant, Petercheff would cross the political divide.

''One of my proudest times was working with (Democrat) Wallace Wilkinson in 1987,'' Petercheff said. She was organizational coordinator during Wilkinson's successful campaign for governor, working with the now nationally famous James Carville.

''Democrats are a different breed,'' she remarked. ''They are more open . . . a physically touchy, feelie kind . . . they don't flout their affluence.

''I am a conservative . . . a fiscal conservative, not a social conservative,'' Petercheff said. ''I loved matching my brains against those big consultants. It's amazing how those big national consultants (are often off base).''

''The key to success in politics, Petercheff said, is to ''get organized, make a plan and then work your plan that's how you win.''

''On the other hand, Petercheff believes politics must be enjoyed.

''I've told clients, 'Politics is fun. If it's not fun, we won't do it.' ''

But an office seeker must be dedicated to the cause. ''Campaigns are hard work,'' she assures.

If Petercheff has a political hero, it's the late Congressman Carter.

''Tim Lee . . . he was a country doctor. His first interest and first desire was to help individual people. If Tim Lee ran across a need for which he couldn't find an answer, he would dig down in his pocket and come up with the money. And you didn't have to vote for him to get help.

''Tim Lee was the ultimate politician,'' she said. ''He knew how to (handle) things politically to get people to do what they should do.''

''Petercheff recalls that she started working for Carter in 1964 ''. . . when women were not involved in politics . . . maybe they stuffed envelopes.''

''But Petercheff never took a back seat. Few people have a more impressive profile of services.

''Among her positions as a volunteer, Petercheff served as chair of the Mayfield precinct for 30 years; secretary of the Pulaski County Young Republicans Club for four years; treasurer in 1970 for the State Young Republican Federation; chair in 1971 of 5th District Young Republicans; and secretary from 1972 to 1976 for the Pulaski County Republican Executive Committee.

''Also, in 1969 she served as president of the Pulaski County Republican Women's Club; from 1976 to 1978 she was chair of the 5th District Republican Party; from 1972 to 1978 she was a member, state-at-large, Republican State Central Committee; in 1966 she was campaign chair for the U.S. Senator John Sherman Cooper and Tim Lee Carter; and served as campaign chair for now-Congressman Hal Rogers for state Young Republican chairman.

Also, she was campaign coordinator for Rogers in his quest for Pulaski County attorney; Pulaski County campaign and headquarters secretary during Louie Nunn's successful campaign for governor; 5th District coordinator for Tom Emberton for governor; and state organizational coordinator for Huda Jones's campaign for secretary of state.

''Also, state campaign primary coordinator for Gerald Ford for president of the United States; state campaign manager for Hal Rogers for lieutenant governor; 5th District campaign coordinator for Ronald Reagan, (Senior) George Bush, Mitch McConnell and Rogers; 5th District coordinator for Jim Bunning for governor; and 5th District campaign manager for Hal Rogers for Congress in 1980, 1982 and 1984.

''Petercheff has served in some position in every state, district and local election since 1962. She started One Acorn and Associates in 1984 with several stockholders. In April 1986, she became the sole owner and operator of One Acorn. Her list of clients is like a ''who's who'' in local, state and national politics.

''Like many Pulaski Countians, to make a living, Petercheff's family—her father, Thomas O. Cottongim, and her mother, Mary Iva Mayfield Cottongim—left their home in Acorn in 1941 and moved to Indianapolis. She went to high school in the Indiana city and married her high school sweetheart, Jimmy Petercheff, now deceased.

''She and Jimmy returned to Pulaski County in 1959 and took over operation of the family's general store, originally known as J.N. Mayfield Mercantile and later Acorn Mercantile.

''They closed the store in 1967. ''I had gone to work for Dr. Carter and we had to hire somebody to run the store,'' Petercheff said.

''Doris and Jimmy have four sons, 11 grandchildren and six great-grandchildren. She admits to encouraging her children to be politically active.

''The Petercheff house at 4845 Highway 1675 at Acorn has a large ''P'' on the chimney, apparently for identification. But it's not needed. Doris Petercheff is a household name in Somerset, Pulaski County, Kentucky and the nation.

''As she so eloquently said: ''It's been a great ride!''

HONORING OUR ARMED FORCES

MAJOR MICHAEL TAYLOR

FIRST SERGEANT TOM WARREN

SERGEANT FIRST CLASS JOHN GARY BROWN

Mrs. LINCOLN. Madam President, today I rise to recognize three Arkansans who served our country with dignity and honor and gave their lives to our country in Iraq: MAJ Michael Taylor, 1SG Tom Warren, and Army SFC John Gary Brown. They will be remembered by their friends and family as men who lived lives full of passion and love. Their Nation will remember them as men who dedicated themselves to protection of our freedom.

Michael Taylor's father-in-law described him as ''a good guy'' with a personality that attracted everyone to him since his childhood days in North Little Rock. As a National Guardsman, who worked at the Veterans' Administration, he soon learned that his true passion was in flying. He had spent a lot of time working with computers, and the relationship between modern helicopters and computers gave him a leg up when it came time to enter flight school. He retired from the VA to become a pilot with the Arkansas National Guard flying Black Hawk helicopters. Taylor eventually reached the Bravo Company's top position and commanded the company.

The second member of the flight team was First Sergeant Tom Warren. 1st Sgt. Warren grew up in Jacksonville, AR, near Camp Robinson. He attended North Little Rock High School in 1976 and married his wife Doris on January 17, 1983. He raised five children and throughout his life was very active in church. He was a Mason, including being past master at his lodge in Levy, which was the same position his father had held. He also served as deacon at Lifehouse Christian Fellowship, where he was an active member. Outside of church, Warren loved to golf, but nothing besides his family could match his love for aviation. Warren reached the position of first sergeant, making him the top ranked enlisted soldier in the company.

Gary Brown hailed from the small town of Nashville, AR. He was born and raised there and attended Nashville High School, where he was on the track team. He graduated in 1982 and spent a year at Ouachita Baptist University. During his time in Little Rock, he was a member of Agape Church and was active in the church's children's bus ministry and men's Bible study. His twin brother said that everything Brown did in his life meant something to him, whether it was easy or hard, and he could always be found with a smile on his face.

To him, serving his country meant something, and he served for 20 years in the National Guard. Most recently Brown was the crew chief of the Arkansas National Guard's 77th Aviation Brigade. He pursued perfection and was truly dedicated to his job.

The UH–60 Black Hawk helicopter that First Sergeant Warren flew was what he called a limousine service. They ferried others around Iraq as part of ''Task Force Dragon,'' but they became known as the ''Catfish Air.'' Serving their fellow soldiers, these men risked their lives every day to make sure people got to and from dangerous areas as safely as possible.

Tragically these three men's lives intertwined on January 20, 2007, when their helicopter crashed in the area northeast of Baghdad in one of the deadliest moments of the war for our National Guard. I offer my condolences to their families, and I pray that they can find comfort in the knowledge that these three men died serving others and doing what they loved on behalf of a grateful Nation. My thoughts and prayers go out to the many people whose lives were touched by these men.

SPECIALIST JEREMY STACEY

PRIVATE FIRST CLASS BRUCE SALAZAR

Madam President, it is with great sadness that I also rise to honor two young men with Arkansas ties who died on back-to-back days during the July 4 recess. Specialist Jeremy L. Stacey was killed on July 5 by a roadside bomb in Baghdad, and Army PFC

Bruce Salazar Jr., was killed on July 6 by an improvised explosive device, IED, in Muhammad Sath, Iraq.

Specialist Stacey spent a large portion of his life growing up in Amarillo, TX, and later moved with his mother, Betty Click, to Bismarck, AR, where he graduated from Bismarck High School in 2003. Shortly after graduating from high school, he enlisted in the Army.

Specialist Stacey was remembered by those in Bismarck as a great guy that everyone loved. He had been called a prankster with a quick wit by those who knew him well, and his death has been devastating for his family and the Bismarck community. Specialist Stacey was the first fatality of the Bismarck graduates serving in Iraq.

Specialist Stacey was an M1 armor crewman with the 1st Cavalry Division stationed in Fort Bliss, TX, and had received the National Defense Service Medal, Global War on Terrorism Service Medal, Army Good Conduct Medal, and the Army Service Ribbon. He was posthumously appointed to the rank of corporal and awarded the Bronze Star and Purple Heart.

After his graduation in Arkansas, Stacey's mother moved to Los Chavez, NM, and although he reenlisted in December for another 3-year term, he talked of moving to New Mexico to be near his mother once his service was complete. A talented writer who wrote fiction, Stacey also dreamed of going to college one day. He is survived by his mother and four sisters: Jessica Stacey, Shaila Stacey, Lisa Close, and Erica Close.

Just one day after Specialist Stacey was killed, Arkansas lost another one of its sons when Army PFC Bruce Salazar was killed. Salazar moved to Fayetteville, Arkansas, in 2003 when he followed his best friend Ronnie Jacques from Davis, CA, to Northwest Arkansas. Salazar's father, Bruce Salazar Sr., lives in Springdale, and the younger Salazar worked in Springdale while completing his general equivalency degree.

The 24-year-old joined the Army and planned on being a career solider, according to his mother and his friend. After the war, Salazar planned on helping his mother, Suzie Ruiz of Modesto, CA, buy a house, and he looked forward to moving to Florida. His mother remembered him as a good kid who was always there when she needed him. He was an avid baseball fan and wanted to be a fighter pilot. A few weeks before his death, Salazar spoke to his mom about family and friends and asked for a baseball glove to play catch. Ms. Ruiz mailed the glove and a book on becoming a pilot.

Private First Class Salazar was an infantryman with the 1st Battalion, 30th Infantry Regiment, 2nd Brigade Combat Team, 3rd Infantry Division based in Fort Stewart, GA. He is survived by his mother Suzy father Bruce sister Alicia Salazar and four half-sisters in Southern California.

The deaths of these two young men, like the thousands who have already given their lives defending our freedom in Iraq and Afghanistan, touch many families and many communities across our State and throughout this great land. Our Nation is grateful for their service, and in the days and weeks ahead, our thoughts and prayers are with their families and loved ones during this difficult time.

CORPORAL ZACHARY D. BAKER

Madam President, I also wish to remember a young Arkansan who paid the ultimate sacrifice by giving his life for our freedom in Iraq earlier this year, CPL Zachary Baker. Coporal Baker was 24 years old and is survived by his wife Christina and seven-year-old son Andrew, as well as his mother, father, brother, sister, and other relatives.

Known affectionately to his family as ''Bubba,'' Baker was serving his second tour of duty in Iraq. He was originally sent to Iraq in 2005 and volunteered to go back after completing that tour. His family described him as a good Christian man who thought about others before himself.

He was killed with five other members of the First Cavalry Division based out of Fort Hood, TX, when a roadside bomb exploded near the Bradley fighting vehicle they were in. His team was responding to a helicopter that Iraqi insurgents shot down north of Baghdad after two crew members radioed for help. Both crew members died in the crash.

I extend my deepest sympathy to his family. My thoughts and prayers, as well as those of so many Arkansans, are with you during this difficult time.

STAFF SERGEANT JUSTIN ESTES

Madam President, Arkansas lost a fine young American this past year when SSG Justin Estes of Sims was killed while trying to assist a wounded soldier near Samarra, Iraq. According to reports, Sergeant Estes was in the third vehicle of a convoy when another vehicle was struck by an improvised explosive device, IED. Without regard for himself, Sergeant Estes left his vehicle and rushed to pull an injured comrade out of the burning vehicle. He began administering first aid to the wounded soldier when another IED detonated. He died in the arms of a second soldier from the explosion.

Sergeant Estes was remembered as a fine soldier, ''The Best of the Best,'' who put others before himself. He was serving his second tour for the 82nd Airborne and was set to return to the United States after his first tour. However, he gave his slot to a fellow soldier so that he could see his newborn son. Family and friends also recalled his fun-loving spirit.

Sergeant Estes was awarded three medals: the Bronze Star, the Purple Heart, and the Combat Infantryman Badge. He is survived by his parents, Don and Kathy Estes of Kentucky and John and Diane Salyers of Sims. He also has two older sisters, Norma and Kelli, in addition to other family. My thoughts and prayers go out to the Estes family during this trying time.

SPECIALIST ERICH SMALLWOOD

Madam President, it is with great sadness that I also rise today to pay tribute to a Arkansan who served his country with honor, SPC Erich S. Smallwood of Trumann, AR. Specialist Smallwood died on May 26, 2007, from injuries suffered when an improvised explosive device detonated near his vehicle outside of Balad, Iraq. Erich was a member of Company B of the 87th Troop Command's 875th Engineer Battalion based in Marked Tree, AR, and served with the battalion's Company A based in Jonesboro, AR. He was the first loss for the 875th during Operation Iraqi Freedom.

A 2002 graduate of Trumann High School, Smallwood was a beloved member of his community. He was selected ''Mr. Trumann High School'' by his classmates and was a good athlete who played football, baseball, and ran track for THS. He was also selected ''Most Involved'' his senior year in high school and was a member of Future Farmers of America and the Spanish Club.

In the days following his death, friends and loved one remembered Smallwood for the person he was and the examples he set. In an interview in the Trumann Democrat, his high school principal, Jim Montgomery, recalled that Specialist Smallwood had a great sense of humor. ''He liked to kid around, but he never got into any trouble. . . He was always doing something to make people laugh . . . He was a good student and a good person.''

At his funeral on June 4, his brother-in-law, Jon Redman of Jonesboro, noted that he was an inspiration to others. ''He was a special kind of person. He always had that smile on his face. . . He was the greatest brother anyone could have. He was a friend to many people and never met a stranger. He was the heart and soul of his unit.''

Arkansas National Guard Adjutant GEN William B. Wofford remembered him as ''a soldier both inside and outside the wire. He wanted to be an encouragement to someone. He was a true patriot, was intelligent, and loved his fellow soldiers.''

At a Memorial Day service in Trumann, just 2 days after his passing, Mayor Sheila Walters read a proclamation recognizing the sacrifice of Specialist Smallwood. It read: ''We honor all soldiers and their commitments to this great country by their legacy of patriotism and sacrifice. We honor our very own Erich Smallwood for giving his life in the cause of freedom. He is one of the many heroes who have protected and inspired us all.''

Madam President, Specialist Smallwood was a unique person who paid the ultimate sacrifice in serving his country and protecting our freedoms. My thoughts and prayers are with his fiancee, Amanda; father, James; mother, Pamela; sister, Terah;

brother J.T., who is also currently serving in Iraq; and the rest of the Smallwood family during this trying time.

SERGEANT ROBB ROLFING

Mr. THUNE. Madam President, I mourn the loss and celebrate the life of Rob Rolfing. Robb died on June 30 while engaging enemy insurgents in Baghdad. He was the 23rd South Dakotan to make the ultimate sacrifice in the war on terror. My deepest sympathies go out to Robb's family, in particular, his mother Margie, his father Rex, his brother TJ, and his sister Tiffany. With Robb's tragic death, South Dakota has lost one of its finest sons and the Army has lost a dedicated professional.

Robb was from Sioux Falls and graduated from O'Gorman High School in 1996. His love of science and ingenuity was inspired by television's MacGyver. Those who remember Robb from high school like to recount how Robb was never without duct tape or a Swiss Army knife. Another of their favorite stories is how Robb rigged up a makeshift parachute for his graduation cap so that when he threw it in the air it glided back down to the ground.

As Robb grew it was clear that he was a gifted scholar, athlete, leader, and coach. He dedicated himself to the pursuit of excellence in every aspect of his life. He was a passionate soccer player who excelled on and off the field at Vassar College. He finished his collegiate career with a degree in Astrophysics and was twice named the captain of the Vassar soccer team, scored the winning goal to advance his team to Vassar's first ever national tournament, and was the team's second alltime leader in goals, assists, and points. Following graduation from college, Robb coached soccer at Rollins College in Florida and Curry College in Massachusetts.

When the United States was attacked on September 11, 2001, Robb pursued another of his dreams. He joined the U.S. Army and became a member of the Green Berets, the Army's elite experts in unconventional warfare. Based on Robb's dedication to excellence and his mechanical ingenuity it came as no surprise that Robb served as the special forces engineer for his unit, Bravo Company, 2nd Battalion, 10th Special Forces Group, airborne. Special forces engineers are skilled at construction projects, building field fortifications, and using explosive demolitions. Looking back over Robb's life, it seems that his whole experience was designed to culminate in gaining the coveted Army Green Beret that is recognized the world over.

Green Berets are commonly called quiet professionals and referred to as a special breed of man. Robb was both these things and truly lived the Green Beret motto, De Oppresso Liber, To Liberate the Oppressed.

Mr. President, I truly mourn the loss of SGT Robb Rolfing and I extend my thoughts, prayers, and best wishes to his family, friends, and loved ones.

MRAP

Mr. BIDEN. Madam President, I want to explain an amendment I hope to get adopted when we return to the Defense authorization bill and that I have filed today.

Let me be very frank. This is a very expensive amendment. It is also, literally, priceless. It makes good on this commitment: So long as a single American soldier or marine remains in Iraq, we will provide him or her with the best protection this country can provide.

Let me start with the basics. There are two critical issues facing our soldiers and marines today: improvised explosive devices, or IEDs, and explosively formed penetrators, or EFPs. IEDs are planted in roads and on the side of roads to hit the bottom of vehicles with powerful explosives. EFPs are shaped charges that come into the side armor of vehicles at high speeds.

We know that IEDs now cause about 70 percent of all American fatalities. Since 2003, in any given month, IEDs have caused between 30 and 76 percent of American fatalities. For every death, there are usually 2 to 10 Americans wounded. Over the past year, we have also seen a growing threat from EFPs. They are not yet everywhere in Iraq, but they are spreading and they are very lethal.

The military has a strategy for dealing with both. First, they seek to disrupt the organizations that produce IEDs and EFPs. They go after the people and the supplies. Second, they attempt to use tactics and technology to prevent IEDs and EFPs from being activated when American personnel are close enough to be harmed. Third, they attempt to survive a direct hit. It is the third area where we could and should have done much more to make a difference years ago but where still today we can and must make a difference.

The military has tested, both at testing centers and in the field, the Mine Resistant Ambush Protected vehicle, also called an MRAP. The MRAP provides dramatically improved protection against IEDs. The military has said that it is four to five times as good as an up-armored HMMWV. More important, military commanders tell us that it will reduce deaths and casualties from IEDs by 67 to 80 percent. The Brookings Institution found that 1,400 Americans died in Iraq due to IEDs from March of 2003 through June of 2007. If we had had MRAPs in the field from the start—and we could and should have—938 to 1,120 Americans would be alive today.

And let me just clarify for my colleagues that this is not new technology. It has been used successfully in Africa, by nations much poorer than ours, since the 1970s. I don't want to get bogged down in history, but this is not rocket science. Every day we delay, another soldier or marine is killed or injured by an IED. If we just look at this year, IEDs killed 309 Americans; 207 to 247 would still be alive today if they had been in MRAPs. We need to make sure that for the second half of 2007, those MRAPs are there and those lives are saved.

What about the threat from these shaped charges that come in from the side, the EFP? The Army's Rapid Equipping Force and the Joint Improvised Explosive Device Defeat Organization started working on that last year. In conjunction with industry, they produced a vehicle nicknamed ''the Bull'' and officially called the Highly Survivable Urban Vehicle Ballistic Protection Experiment Program. This vehicle was tested and shown to defeat EFPs and also tested against the first level of MRAP requirements. That testing was completed in March of this year. For some reason, the military has not asked for another vehicle to do the MRAP level two tests. So we do not actually know how capable this vehicle might be for all threats, but we know it works against EFPs. Instead of trying to get ahead of the enemy and get this technology into the field, the military seems to be sitting on its hands while the EFP threat has increased. Why wouldn't you field something you know works?

The perfect vehicle would be a complete MRAP with EFP protection, but that appears to be many months away, although some MRAP producers tell me that their vehicles have survived EFP hits in the field. So again, we do not have the complete picture. We have also been told that Frag-Kit-6 armor can defeat EFPs, but it is too heavy for MRAPs. So vehicles must be redesigned and retested. This will take time. I understand that and support that effort, but Americans are dying today. Again, as with the MRAP, we have a technology that could keep them alive, and we should be using it while we work to perfect it.

I do not know if all of my colleagues saw the USA Today article that appeared on Monday detailing some of the history surrounding the MRAP. I will summarize a few points but will ask to have the entire article printed in the RECORD.

This article details efforts to get MRAPs going back to 2003. It also details the reasons for delay, and that is what I want to point out to my colleagues.

First, apparently, the leadership at the Pentagon did not expect this war to last this long. Well, that is no surprise. We all remember the ''Mission Accomplished'' speech and the promise of roses in the streets. We remember Vice President CHENEY telling us that the insurgency was in its death throes. We remember Secretary Rumsfeld telling us that crime in Baghdad was not any worse than that in Washington, DC. I remember all of that. Sadly, none of those leaders remember the hearings that Senator LUGAR and I held before the war began that predicted the need for a long-term American presence and engagement. They don't remember

some of us, starting before the war, repeatedly urged the President to level with the American people about the likely duration, cost, and danger of this war. Perhaps even more tragically, this uncertainty about future force levels continues to limit the military commitment to fielding more MRAPs and EFP protected vehicles.

Second, these vehicles were seen as contrary to Secretary Rumsfeld's vision for the transformed military, a lighter, more agile force. While it depends on what armored humvee you are talking about, many believed that MRAPs were heavier and slower than humvees. The stifling effect Secretary Rumsfeld's views and management style had on military leaders is well known to everyone who follows military issues. In this instance, it meant that officers were predisposed against the heavier vehicle and didn't push the issue when our forces in the field asked for MRAP technology. Instead, they focused on the first two parts of the anti-IED strategy I talked about earlier.

Finally, and most disturbing to me, many believed that Congress would not support funding the MRAP while also fielding better armored humvees. I do not know of a single wartime funding request that Congress has denied. There have been some items added to the supplemental bills that were clearly not urgent or war related, but nothing directly linked to current operations was refused. Nonetheless, it appears that the military did not believe that our support for needed equipment was for real. Even today, I hear that leaders are concerned that they must cut multiple existing programs to pay for this growing MRAP requirement. There may be programs that we could all agree are not as vital for a wartime Army, but I do not want that debate and concern to slow lifesaving equipment.

I understand that this program will be the third largest procurement program in the Pentagon. As I said, it is very costly. We can work together in the future to find the lower priority programs that simply should not be funded if they are competing with lifesaving programs. We do not have any more time to delay spending the money needed to buy these vehicles, however, if we are going to save lives.

Leadership is about making hard choices, and I look forward to working with my colleagues and the administration to do whatever it takes. I am even willing to cut programs I support because saving lives and limbs under fire today must truly be our first priority. So, today, with this amendment I hope we can make it clear that we will provide whatever funding is needed, so that military leaders do not fear being honest about their needs.

In addition to the issues brought out in the article, I have also heard a regular concern that some in the military do not believe MRAPs will be needed in the future—that when we leave Iraq, we will leave most of these vehicles behind. I was happy to see the Secretary of the Army, Peter Geren, state clearly in his confirmation hearing that he believes MRAPs will be needed in future conflicts. It is clear to me that until we show America's enemies that we can handle IEDs, they will continue to use them throughout the world. We are already seeing an increased use of IEDs in Afghanistan.

It is also clear to me that those who worry about what the military will be driving in 5 years are missing the boat here. I understand that there are great advancements being developed for our future force. But we have a sacred trust to those on the front lines today, right now. Right now, we are saying to them: If you survive this war, we will get you really good protection for the next one. Give me a break. To paraphrase a former Secretary of Defense, you fight the war you are in, not the war you might be in down the road. Ideally, you do both, but your priority has to be protecting the men and women under fire now. End of story. Can anyone imagine Roosevelt saying, ''Listen, we may not need some of those boats after Normandy, so maybe we should not build so many?'' Of course not. War is inherently wasteful and this war is no exception. I am willing to waste money and equipment if it means we don't waste lives and limbs. The fact that we may not need all of the vehicles we buy today in 5 years, is no reason to shortchange the soldiers and marines who truly need the vehicles today.

I have given my colleagues some of this history so they will understand why we must stand up for our marines and soldiers on this issue. We must cut through the ''business as usual'' bureaucracy. I applaud Secretary Gates for making MRAPs the top priority of the military, but I am concerned that even now, some of the same problems continue. After all, Army commanders in Iraq concluded that they need 17,700 MRAPs. That is 15,200 more than currently being bought. We must act now to put money in the pipeline to order the additional vehicles and expand production capacity.

Instead, we find out that 2 months later, the Joint Requirements Oversight Council has yet to approve the Army request as a ''validated joint requirement.'' I don't get it.

The President tells us that the most important thing in this war is the judgment of our commanders in the field. Now, I may disagree with the policy being executed, but I would agree that when it comes to tactical decisions about the best way to implement our policies, this is the right approach. Apparently, others feel that the commanders should only be listened to selectively, when it does not cost too much money.

The commanders in the field have said that they need an additional 15,200 mine resistant vehicles for the Army. They have also said that they need thousands of vehicles with EFP protection. So, why the delay?

No one from the Pentagon has been able to explain it to me.

Last, some argue that the real problem is production capacity. I simply don't buy it. We are being told that American industry cannot handle this or does not care enough about our soldiers and marines to do it. I don't buy it. These are purely military vehicles. If the military does not place the orders, industry will not build them, and they certainly won't create new production capacity. They cannot sell the extras to your neighbor or mine. So we must put the money up front and challenge our companies to deliver quickly. We did that on the supplemental where Congress accepted my amendment adding $1.2 billion. Because that led to increased production capacity, Secretary Gates has reprogrammed another $1.2 billion for fiscal year 2007 to take advantage of that new capacity.

We made it to the Moon by putting money up front and challenging Americans to do their best to get there. MRAPs and EFP protected vehicles are basically modified trucks. America knows how to make trucks and how to make a lot of them. As I said before, this is not rocket science. If we buy it, they will build it.

What if they cannot? What if industry can only get 15,000 or 20,000 of the 23,000 we need built by the end of fiscal year 2008? Well, I tell my colleagues, than we will know that we gave them every chance to succeed. More important, we gave our soldiers and marines their best chance to survive this war.

And the downside is simply that all of the funds we provide cannot be spent in 1 year and all of the vehicles cannot be purchased. In that situation, all we have to do is authorize reprogramming the unspent funds for the next fiscal year. Compared to taking a chance on saving our kids, that is an easy downside to accept.

I opened by saying that this was a very expensive amendment, and it is. Let me be clear. It provides $23.6 billion for Army MRAPs, enough money to buy the 15,200 the commanders in the field are asking for. The amount is based on the last cost estimate I was given by the Pentagon on July 9. The amendment also provides an additional $1 billion that I have been told is needed for the purchase of 7,774 MRAPs currently planned for and funded in this bill. The increased funds are needed for airlift, training, and maintenance costs not originally included in the program budget.

In addition, the amendment provides $400 million for EFP protection. Half is to field 200 of the vehicles already tested and half is for the joint Improvised Explosive Device Defeat Organization to continue to work on and field better vehicles. The Bull may not be the perfect answer, but it gives us a chance to save American lives today. While we work on the perfect solution, an MRAP with EFP protection, we should still be giving our soldiers and marines the best we have today. The military needs

to see if the Bull can provide full MRAP protection. They also need to look at other ideas for improving MRAPs, but while they do, we should take advantage of the proven technology we have at hand.

Last, this amendment asks Secretary Gates to report back to us within 30 days on any legal authorities he needs to produce and field these protective vehicles faster.

Let me also clarify what we are adding these funds to. The Armed Services Committee added $4.1 billion to the President's initial request for a mere $441 million for MRAPs in this bill. At the time, that was all that was thought to be needed to meet the 7,774 requirement and I applaud the committee for meeting that need. The situation has changed since the bill came out of committee. We now know that the Army commanders on the ground want far more. We cannot get such a large order produced if we continue to delay.

For me, this is very simple. I believe that when our sons and daughters are getting blown up and we have vehicles proven to dramatically improve their odds of survival, we must get the vehicles to them. This amendment allows us to do that. When the Senate returns to debate on the Defense Authorization Act, I hope all of my colleagues will support it.

Madam President, I ask unanimous consent to have the article to which I referred printed in the RECORD.

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

[From USA Today, July 16, 2007]

PENTAGON BALKED AT PLEAS FROM OFFICERS IN FIELD FOR SAFER VEHICLES

(By Peter Eisler, Blake Morrison and Tom Vanden Brook)

Pfc. Aaron Kincaid, 25, had been joking with buddies just before their Humvee rolled over the bomb. His wife, Rachel, later learned that the blast blew Kincaid, a father of two from outside Atlanta, through the Humvee's metal roof.

Army investigators who reviewed the Sept. 23 attack near Riyadh, Iraq, wrote in their report that only providence could have saved Kincaid from dying that day: ''There was no way short of not going on that route at that time (that) this tragedy could have been diverted.''

A USA TODAY investigation of the Pentagon's efforts to protect troops in Iraq suggests otherwise.

Years before the war began, Pentagon officials knew of the effectiveness of another type of vehicle that better shielded troops from bombs like those that have killed Kincaid and 1,500 other soldiers and Marines. But military officials repeatedly balked at appeals—from commanders on the battlefield and from the Pentagon's own staff—to provide the lifesaving Mine Resistant Ambush Protected vehicle, or MRAP, for patrols and combat missions, USA TODAY found.

In a letter to Defense Secretary Robert Gates late last month, two U.S. senators said the delays cost the lives of an estimated ''621 to 742 Americans'' who would have survived explosions had they been in MRAPs rather than Humvees.

The letter, from Sens. Joseph Biden, D–Del., and Kit Bond, R–Mo., assumed the initial calls for MRAPs came in February 2005, when Marines in Iraq asked the Pentagon for almost 1,200 of the vehicles. USA TODAY found that the first appeals for the MRAP came much earlier.

As early as December 2003, when the Marines requested their first 27 MRAPs for explosives-disposal teams, Pentagon analysts sent detailed information about the superiority of the vehicles to the Joint Chiefs of Staff, e-mails obtained by USA TODAY show. Later pleas came from Iraq, where commanders saw that the approach the Joint Chiefs embraced—adding armor to the sides of Humvees, the standard vehicles in the war zone—did little to protect against blasts beneath the vehicles.

Despite the efforts, the general who chaired the Joint Chiefs until Oct. 1, 2005, says buying MRAPs ''was not on the radar screen when I was chairman.'' Air Force general Richard Myers, now retired, says top military officials dealt with a number of vehicle issues, including armoring Humvees. The MRAP, however, was ''not one of them.'' Something related to MRAPs ''might have crossed my desk,'' Myers says, ''but I don't recall it.''

Why the issue never received more of a hearing from top officials early in the war remains a mystery, given the chorus of concern. One Pentagon analyst complained in an April 29, 2004, e-mail to colleagues, for instance, that it was ''frustrating to see the pictures of burning Humvees while knowing that there are other vehicles out there that would provide more protection.''

The analyst was referring to the MRAP, whose V-shaped hull puts the crew more than 3 feet off the ground and deflects explosions. It was designed to withstand the underbelly bombs that cripple the lower-riding Humvees. Pentagon officials, civilians and military alike, had been searching for technologies to guard against improvised explosive devices, or IEDs. The makeshift bombs are the No. 1 killer of U.S. forces.

The MRAP was not new to the Pentagon. The technology had been developed in South Africa and Rhodesia in the 1970s, making it older than Kincaid and most of the other troops killed by homemade bombs. The Pentagon had tested MRAPs in 2000, purchased fewer than two dozen and sent some to Iraq. They were used primarily to protect explosive ordnance disposal teams, not to transport troops or to chase Iraqi insurgents.

THE GOAL: IRAQIS ''STAND UP'' SO U.S. CAN ''STAND DOWN''

Even as the Pentagon balked at buying MRAPs for U.S. troops, USA TODAY found that the military pushed to buy them for a different fighting force: the Iraqi army.

On Dec. 22, 2004—two weeks after President Bush told families of servicemembers that ''we're doing everything we possibly can to protect your loved ones''—a U.S. Army general solicited ideas for an armored vehicle for the Iraqis. The Army had an ''extreme interest'' in getting troops better armor, then-brigadier general Roger Nadeau told a subordinate looking at foreign technology, in an e-mail obtained by USA TODAY.

In a follow-up message, Nadeau clarified his request: ''What I failed to point out in my first message to you folks is that the U.S. Govt. is interested not for U.S. use, but for possible use in fielding assets to the Iraqi military forces.''

In response, Lt. Col. Clay Brown, based in Australia, sent information on two types of MRAPs manufactured overseas. ''By all accounts, these are some of the best in the world,'' he wrote. ''If I were fitting out the Iraqi Army, this is where I'd look (wish we had some!)''

The first contract for what would become the Iraqi Light Armored Vehicle—virtually identical to the MRAPs sought by U.S. forces then and now, and made in the United States by BAE Systems—was issued in May 2006. The vehicles, called Badgers, began arriving in Iraq 90 days later, according to BAE. In September 2006, the Pentagon said it would provide up to 600 more to Iraqi forces. As of this spring, 400 had been delivered.

The rush to equip the Iraqis stood in stark contrast to the Pentagon's efforts to protect U.S. troops.

In February 2005, two months after Nadeau solicited ideas for better armor for the Iraqis and was told MRAPs were an answer, an urgent-need request for the same type of vehicle came from embattled Marines in Anbar province. The request, signed by then-brigadier general Dennis Hejlik, said the Marines ''cannot continue to lose . . . serious and grave casualties to IEDs . . . at current rates when a commercial off-the-shelf capability exists to mitigate'' them.

Officials at Marine headquarters in Quantico, Va., shelved the request for 1,169 vehicles. Fifteen months passed before a second request reached the Joint Chiefs and was approved. Those vehicles finally began trickling into Anbar in February, two years after the original request. Because of the delay, the Marines are investigating how its urgent-need requests are handled.

The long delay infuriates some members of Congress. ''Every day, our troops are being maimed or killed needlessly because we haven't fielded this soon enough,'' says Rep. Gene Taylor, D–Miss. ''The costs are in human lives, in kids who will never have their legs again, people blind, crippled. That's the real tragedy.''

Not until two months ago did the Pentagon champion the MRAP for all U.S. forces. Gates made MRAPs the military's top priority. The plan is to build the vehicles as fast as possible until conditions warrant a change, according to a military official who has direct knowledge of the program but is not authorized to speak on the record. Thousands are in the pipeline at a cost so far of about $2.4 billion.

Gates said he was influenced by a news report—originally in USA TODAY—that disclosed Marine units using MRAPs in Anbar reported no deaths in about 300 roadside bombings in the past year. His tone was grave. ''For every month we delay,'' he said, ''scores of young Americans are going to die.''

One reason officials put off buying MRAPs in significant quantities: They never expected the war to last this long. Bush set the tone on May 1, 2003, six weeks after the U.S. invasion, when he declared on board the aircraft carrier Abraham Lincoln that ''major combat operations in Iraq have ended.''

Gen. George Casey, the top commander in Iraq from June 2004 until February this year, repeatedly said that troop levels in Iraq would be cut just as soon as Iraqi troops took more responsibility for security. In March 2005, he predicted ''very substantial reductions'' in U.S. troops by early 2006. He said virtually the same thing a year later.

Casey wasn't the only optimist. In May 2005, Vice President Cheney declared that the insurgency was ''in its last throes.''

Given the view that the war would end soon, the Pentagon had little use for expensive new vehicles such as the MRAP, at least not in large quantities. The MRAPs ordered for the Iraqis were intended to speed the day when, to use Bush's words, Iraqi forces could ''stand up'' and the United States could ''stand down.''

Nadeau, who wrote the e-mail that led to MRAPs for the Iraqis, explains why he did so: ''The U.S. government knows that eventually we're going to get out'' of Iraq. The United States wants ''to help get (the Iraqis) in a position to take care of themselves.''

For U.S. forces, however, the answer was something else: adding armor to Humvees. Nadeau and others say the choice made sense because Humvees were already in Iraq and the improvements—adding steel to the sides, upgrading the windows and replacing the canvas doors—could be made quickly, and far more cheaply. Adding armor to a Humvee cost only $14,000; a Humvee armored at the factory cost $191,000; today, an MRAP costs between $600,000 and $1 million, though some foreign models cost only about $200,000 in 2004.

The solution to the IED problem in 2003 had to be ''immediate,'' says retired vice admiral Gordon Holder, director for logistics for the Joint Chiefs until mid-2004. ''We had to stop the bleeding.'' Holder says MRAPs seemed impractical for the immediate need: ''We shouldn't take four years to field something the kids needed yesterday.''

Would it actually have taken four years? That depends upon how much urgency the Pentagon and Congress attached to speeding production. Force Protection Inc., the small South Carolina company that landed the first significant MRAP contracts, was criticized this month by the Pentagon's inspector general for failing to deliver its vehicles on time. But bigger defense contractors were available then—and have secured MRAP contracts in recent weeks that call for deliveries in as little as four months.

A bigger obstacle might have been philosophical: The MRAP didn't fit the Pentagon's long-term vision of how the military should be equipped.

Then-Defense secretary Donald Rumsfeld regarded the Iraq war ''as a means to change'' the military, ''make it lighter, make it more responsive, make it more agile,'' Holder says. The MRAP, heavier and slower than the Humvee, wouldn't have measured up, he says.

THE COMMANDER: ''IEDS ARE MY NO. 1 THREAT''

By June 2004, the military had lost almost 200 U.S. troops to the homemade bombs. Gen. John Abizaid, then head of U.S. Central Command, told the Joint Chiefs that ''IEDs are my No. 1 threat.'' He called for a ''mini-Manhattan Project'' against IEDs, akin to the task force that developed the atomic bomb during World War II.

The Pentagon organized a small task force that, two years later, morphed into a full-fledged agency: the Joint IED Defeat Organization, or JIEDDO. Its leader, Montgomery Meigs, is a retired four-star general. Its annual budget totals $4.3 billion. Its mission: to stop IEDs from killing U.S. troops.

In one of its PowerPoint presentations, JIEDDO made its priorities clear. First, prevent IEDs from being planted by attacking the insurgency. Then, if a device is planted, prevent it from exploding. ''When all Else Fails,'' reads another slide, ''Survive the blast.'' That put solutions such as the MRAP into the category of last resorts.

JIEDDO did spend its own money for 122 MRAPs, but it primarily focused on electronic jammers to prevent bombs from being remotely detonated, unmanned surveillance aircraft to catch insurgents putting bombs along roads and better intelligence on who was building and planting bombs.

The agency has claimed some successes. Insurgents in 2007 had to plant six times as many bombs as they did in 2004 to inflict the same number of U.S. casualties, Meigs said in an interview.

But the insurgents—Sunnis loyal to the deposed leader Saddam Hussein, Shiites who hated the U.S. occupiers and foreigners aligned with al-Qaeda—often managed to stay one step ahead of JIEDDO. They changed the kind of explosives they planted and varied the locations of the devices and the way they detonated them.

When the Pentagon added armor to the sides of Humvees to guard against bombs planted along roadsides, the insurgents responded by burying bombs in the roads. The bombs could blast through the vulnerable underbelly of the Humvees. The insurgents also moved to larger, more sophisticated bombs, some packed with as much as 100 pounds of explosives.

Deputy Secretary of Defense Gordon England, the No. 2 official at the Pentagon, testified on Capitol Hill in June that ''as the threat has evolved, we have evolved. We work very, very hard to be responsible to our troops.''

Taylor, the Democratic congressman from Mississippi, pressed England about why the Pentagon waited until May to request substantial numbers of MRAPs. ''Are you telling me no one could see that (need) coming, no one could recognize that the bottom of the Humvee'' didn't protect troops, and ''that's why the kids inside are losing their legs and their lives?'' Taylor asked.

''That is too simplistic a description,'' England replied. ''People have not died needlessly, and we have not left our people without equipment.''

To Pentagon decision-makers, the Humvee seemed able to handle the threat early in the war—roadside bombs, rather than those buried in the roads. ''If anybody could have guessed in 2003 that we would be looking at these kind of (high-powered, buried) IEDs that we're seeing now in 2007, then we would have been looking at something much longer'' term as a solution, Holder says. ''But who had the crystal ball back then?''

Nadeau, now a major general in charge of the Army's Test and Evaluation Command in Alexandria, Va., also defends the Pentagon's choices. He says buried IEDs did not become a serious threat to the armored Humvees until 2006. Critics might say, ''Why didn't you guys buy 16,000 MRAPs a decade ago?'' Nadeau says today. ''You know, I didn't need them.''

Six officers interviewed by USA TODAY say the threat to the Humvees surfaced sooner. Lt. Col. Dallas Eubanks, chief of operations for the Army's 4th Infantry Division in 2003–04, says IEDs became more menacing before he left Iraq. ''We were certainly seeing underground IEDs by early 2004,'' he says.

In mid-2005, two top Marines—Gen. William Nyland, assistant Marine commandant, and Maj. Gen. William Catto, head of Marine Corps Systems Command—testified before Congress that they were seeing an ''evolving'' threat from underbelly blasts. They said at the time that armored Humvees remained their best defense.

THE CONGRESSMAN: MRAP'S ''SIMPLE'' ADVANTAGE

Just after lunch on June 27, 2004, a group of enlisted men parked a handful of armored vehicles near a cinderblock building at Marine headquarters in Fallujah, Iraq.

The day had turned sweltering, like every summer afternoon in central Iraq. But this day was special. A congressional delegation had arrived, and among the dignitaries was Rep. Duncan Hunter, then the chairman of the House Armed Services Committee. Hunter wasn't just a powerful congressman. He was a Vietnam War veteran, and his son, then a 27-year-old Marine lieutenant also named Duncan, was stationed at the base.

More important to most of the Marines, the California Republican had been instrumental in pushing the Pentagon to get better armor for them. Humvees with cloth doors—canvas, like the crusher hat that Hunter wore that day—had been standard issue when the war began. The fabric worked well to shield the sun; it offered no protection against explosives.

Then, as now, Hunter was impatient with the pace of procurement in Iraq. That winter, he had dispatched his staff to steel mills, where they persuaded managers and union leaders to set aside commercial orders to expedite steel needed to armor the Humvees. He also worked with the Army and its contractors to expand production.

In Fallujah, Hunter recognized the Humvees. He couldn't identify the two vehicles next to them. One was called a Cougar, the other a Buffalo. Both were MRAPs, made by Force Protection Inc., and both, he was told, were coveted. They were used by explosives disposal teams, but combat units ''looked at them and said, 'We want those,' '' Hunter recalls.

Throughout most of Iraq, they still haven't arrived.

Despite requests from the field, Pentagon officials decided to ration the vehicle. In 2003 and 2004, they bought about 55, and only for explosives-disposal units. But they chose a different approach for protecting the rest of the troops: adding armor to Humvees. The choice was problematic. The Humvee's flat bottom channels an explosion through the center of the vehicle, toward the occupants.

Memos and e-mails obtained by USA TODAY show a stream of concerns about the decision to armor the Humvee. Most went up the chain of command and withered:

December 2003: At the direction of then-deputy Defense secretary Paul Wolfowitz, who was troubled by the mounting death toll from IEDs, the Joint Chiefs began to explore options for giving troops better armor. Detailed information on the Wer'Wolf, an MRAP made in the African country of Namibia, was passed from analysts in the Pentagon to Lt. Col. Steven Ware, an aide collecting information for the Joint Chiefs.

March 30, 2004: Gen. Larry Ellis, in charge of U.S. Forces Command in Atlanta, sent a memo to the Army's chief of staff, Gen. Peter Schoomaker. He complained that ''some Army members and agencies are still in a peacetime posture.'' U.S. commanders in Iraq told him that the armored Humvee ''is not providing the solution the Army hoped to achieve.'' He didn't recommend MRAPs but rather suggested accelerating production of a combat vehicle called the Stryker. In response, the military said new Humvee armor kits would suffice.

April 28–29, 2004: Duncan Lang, a Pentagon analyst who worked in acquisition and technology, suggested purchasing the Wer'Wolf, the MRAP put before the Joint Chiefs in December 2003. In an e-mail to colleagues and supervisors, Lang said ''a number could be sent to Iraq ''as quickly as, or even more quickly than, additional armored Humvees.'' He called it ''frustrating to see the pictures of burning Humvees while knowing that there are other vehicles out there that would provide more protection.''

April 30, 2004: Another Pentagon analyst, Air Force Lt. Col. Bob Harris, forwarded details about MRAP options to a member of the IED task force. The list included a variety of MRAPs, among them the Wer'Wolf and Force Protection's Cougar. ''There was no great clarity as to why they didn't pursue these options,'' Harris says. ''I saw it as my job to educate.'' Harris is now an acquisition officer at Hanscom Air Force Base in Massachusetts.

Hunter says the advantages the MRAP had on the Humvee were clear. ''It's a simple formula,'' Hunter says. ''A vehicle that's 1 foot off the ground gets 16 times that (blast) impact that you get in a vehicle that's 4 feet off the ground,'' like the MRAP.

Although Hunter favored adding armor to Humvees, he now calls the military's devotion to that approach a costly mistake. ''It's true that they saved more lives by moving

first on up-armoring the Humvees,'' he says. ''The flaw is that they did nothing on MRAPs. The up-armoring of Humvees didn't have to be an exclusive operation.''

Holder dismisses the idea that the Pentagon could have moved on a dual track: armoring Humvees while ordering up MRAPs. He doubts Congress would have funded both at the time. But that's exactly what Congress is doing now—buying both vehicles.

''We probably should've had the foresight'' to start buying MRAPs earlier, says Ware, the Joint Chiefs aide (now retired) who passed the information to superiors and counterparts in the Army and Marines. But ''we just couldn't get them there fast enough.'' Adding armor to the Humvee, Ware says, ''was better than nothing.''

THE LIEUTENANT COLONEL: ''HOPE NO ONE GETS WASTED''

A PowerPoint presentation, dated Aug. 25, 2004, shows wounded troops lying in hospital beds. Most are bandaged. One is bloody. His left eye is barely open, his injured right is covered by a patch. Each was maimed by an IED. Each, save one, was in a Humvee.

On another slide: ''Numerous vehicles on the market provide far superior ballistic protection'' than the Humvee, wrote then-lieutenant colonel Jim Hampton, the man who prepared the presentation for the operations staff of the U.S. Army Corps of Engineers in Baghdad.

Safety is a passion for Hampton. He's so concerned with security that he asks his wife, Kate, to take her pistol when she goes for walks on their 80 acres in rural Mississippi. When he got to Iraq in early 2004, he was tasked with looking at armor options to protect the Corps of Engineers, the agency sent to help with rebuilding efforts. For weeks, he studied armor options. His conclusion: The corps should get MRAPs to protect its people, specifically Wer'Wolves. Hampton says he asked for 53 Wer'Wolves. The corps got four.

Hampton couldn't have been more opposed to up-armoring the Humvees and warned his superiors. He even e-mailed his wife from Iraq. ''Hey Babe,'' his e-mail read. ''Just a little aggravated with the bureaucracy. It is simply beyond my comprehension why we're having to go through such (an ordeal) to order confounded hard vehicles. I sure hope no one gets wasted before the powers-that-be get off their collective fat asses.''

Finally, he wrote his congressman, Rep. Chip Pickering, R-Miss., urging him to investigate deaths involving the Humvee. ''We would never consider sending troops'' in Humvees ''up against armor or artillery,'' Hampton wrote, ''but this is tantamount to what we're doing because these vehicles are being engaged with the very ordnance delivered by artillery in the form of improvised explosive devices.''

By November 2004, Pentagon analyst Lang had grown discouraged, an e-mail shows. ''I have found that you can never put the word out too many times,'' he wrote on Nov. 17. ''I send it on to (the Secretary of Defense's office), Army and (Marine Corps) contacts I have. Some of it is getting to the rapid fielding folks and force protection folks that are looking at Iraq issues. I do not see much action.''

Lang closed the message with a variation on his earlier plea: ''For the life of me, I cannot figure out why we have not taken better advantage of the sources of such vehicles,'' he wrote. ''We should be buying 200, not 2, at a time. These things work, they save lives and they don't cost much, if any, more than what we are using now.'' At the time, a basic Wer'Wolf cost about the same as a factory-made armored Humvee: around $200,000.

In December 2004, at a town hall meeting with troops in Kuwait, a soldier asked Rumsfeld about the lack of armor on military vehicles. Rumsfeld explained the situation this way: ''You go to war with the Army you have. They're not the Army you might want or wish to have at a later time.''

The concerns troops voiced at the meeting might have had an impact. Within a week, the Marine Corps Systems Command in Quantico posted its first notice seeking information on MRAPs from potential contractors.

Back in Fallujah, the desire for the Cougar had grown. By February 2005, the Marines were formally asking for more. Field commanders sent their first large-scale request for MRAPs, seeking 1,169 vehicles with specifications that closely mirrored those of the Cougar. They no longer envisioned the vehicle as limited to explosives-disposal teams; they wanted MRAPs for combat troops, too.

Roy McGriff III, then a major, drafted the request signed by Brig. Gen. Hejlik. ''MRAP vehicles will protect Marines, reduce casualties, increase mobility and enhance mission success,'' the request read. ''Without MRAP, personnel loss rates are likely to continue at their current rate.'' In spring 2005, he would have a chance to argue his case before top generals.

THE MARINE MAJOR: ''UNNECESSARY'' CASUALTIES

They convened March 29–30, 2005, at the Marine Corps Air Station in Miramar, Calif. The occasion: a safety board meeting, a regular gathering to address safety issues across the Corps. In attendance: five three-star generals, four two-stars, seven one-stars and McGriff.

McGriff knew the MRAP's history and the Pentagon's reluctance to invest in the vehicle. He had learned about the vehicle from a fellow Marine, Wayne Sinclair. Sinclair, then a captain, wrote in the July 1996 issue of the Marine Corps Gazette that ''an affordable answer to the land mine was developed over 20 years ago. It's time that Marines at the sharp end shared in . . . this discovery.''

Addressing the generals, McGriff recommended analyzing every incident involving Marine vehicles the same way investigators probe aircraft crashes. Look at the vehicle for flaws, McGriff recalls telling the officers, and examine the tactics used to defeat it.

Lt. Gen. Wallace Gregson, commander of Marine Corps Forces in the Pacific, and Lt. Gen. James Mattis, leader of the Marine Combat Development Command, listened and then conferred for a moment.

The room grew quiet. ''Then they said, 'OK, what do you want to do?' '' McGriff remembers.

He recited the very plan that the Pentagon, under a new Defense secretary, would embrace in 2007: ''A phased transition. Continue to armor Humvees. At the same time, as quickly and as expeditiously as possible, purchase as many MRAPs as possible. Phase out Humvees.''

According to McGriff, the room again grew silent. Then, Mattis finally spoke: ''That's exactly what we're going to do.'' Mattis' words failed to translate into action. The urgent-need request McGriff drafted went unfulfilled at Marine headquarters in Quantico. A June 10, 2005, status report on the request indicated the Marine Corps was holding out for a ''future vehicle,'' presumably the Joint Light Tactical Vehicle—more mobile than the MRAP, more protective than the Humvee, and due in 2012. In practical terms, that meant no MRAPs immediately.

McGriff foresaw some of the turmoil over vehicles in a prophetic 2003 paper for the School for Advanced Warfighting in Quantico.

''Currently, our underprotected vehicles result in casualties that are politically untenable and militarily unnecessary,'' his paper read. ''Failure to build a MRAP vehicle fleet produces a deteriorating cascade of effects that will substantially increase'' risks for the military while ''rendering it tactically immobile.'' Mines and IEDs will force U.S. troops off the roads, he wrote, and keep them from aggressively attacking insurgents.

The words were strong and the conclusions were damning. Rhodesia, a nation with nothing near the resources of the U.S. military, had built MRAPs more than a quarter-century earlier that remained ''more survivable than any comparable vehicle produced by the U.S. today,'' McGriff wrote.

Despite his views then, McGriff, now a lieutenant colonel, says he understands the delays. MRAPs needed to be tested to ensure they could perform in combat. ''Nothing happens fast enough when people are fighting and dying,'' he says today. ''But amidst the chaos, you still have to make the right choices. In the end, I think the Marines got the MRAP capability as quickly and safely as possible.''

Others disagree.

Marine major Franz Gayl, now retired, was science adviser to the 1st Marine Expeditionary Force in Iraq. He saw how Marines were still being killed or maimed in Anbar in the fall of 2006. If the Marine Corps had decided MRAPs were a top priority, he says, it could and should have pursued them with the same urgency the Pentagon is now showing.

''The ramp-up of industry capacity was delayed by over 1½ years,'' Gayl says, ''until it became the dire emergency that it is today.''

Bureaucrats didn't want the MRAP sooner ''because it would compete against'' armored Humvees and ''many other favored programs'' for funding, Gayl says. Gayl, who works as a civilian for the Marines at the Pentagon, has filed for federal whistleblower protection because he fears retaliation for speaking out about the failure to get MRAPs sooner.

DEFENSE SECRETARY GATES: ''LIVES ARE AT STAKE''

After McGriff addressed the generals in March 2005, another 15 months passed. Then the Marines in Iraq reiterated the request for MRAPs. This time they sent the request directly to the Joint Chiefs. This time they were successful.

In December 2006, after insurgent bombs had killed almost 1,200 U.S. troops in Iraq, the Joint Chiefs validated requests from Iraq for 4,060 MRAPs, and the formal MRAP program was launched.

By March 2007, Marine Corps Commandant James Conway called the vehicle his ''No. 1 unfilled warfighting requirement.''

In part, that's because he saw it save lives in Anbar province. Brig. Gen. John Allen, deputy commander of coalition forces there, says the Marines tracked attacks on MRAPs since January 2006. The finding: Marines in armored Humvees are twice as likely to be badly wounded in an IED attack as those in MRAPs.

Perhaps more convincing: No Marines have been killed in more than 300 attacks on MRAPs there.

The news, revealed in USA TODAY on April 19, drew the attention of Defense Secretary Gates, four months into his job at the Pentagon. He was traveling in Iraq and read about the MRAP's success in the Pentagon's daily news roundup. Weeks later, at a news conference, Gates said the Pentagon would rush MRAPs to Iraq ''as best we can.''

Late last month, top Pentagon officials approved an Army strategy for buying as many as 17,700 MRAPs, allowing a one-for-one swap

for its armored Humvees. About 5,200 MRAPs had been approved for the other services. Now, Pentagon officials decline to say exactly how many MRAPs they need.

One official says they'll build MRAPs as fast as possible, then recalibrate the military's needs as they assess operations in Iraq, a tacit acknowledgment that they may need fewer MRAPs as U.S. troops are withdrawn.

During another news conference late last month, Gates worried that the companies building the MRAP—not only Force Protection but BAE Systems, General Dynamics, Oshkosh Truck, Armor Holdings, International Military and Government and Protected Vehicles—won't be able to get the vehicles to Iraq fast enough.

''I didn't think that was acceptable,'' Gates said. ''Lives are at stake.''

THE YOUNG LIEUTENANT: ''SAFEST VEHICLE EVER''

As the sun egan to bake the Iraqi countryside last month, Marine 2nd Lt. George Saenz headed back to his base on the outskirts in Fallujah. He felt oddly joyful.

Saenz had just spent hours leading his platoon through one of the most excruciating battlefield jobs—inching a convoy along the crumbling streets of Fallujah, searching for homemade bombs planted in the asphalt or dirt.

The night before had proved dangerous. Two bombs had blown up underneath Saenz's convoy, including one beneath his vehicle.

As Saenz turned through the gray blast walls protecting the base, he says he couldn't help but think: If I had been riding a Humvee, I wouldn't be here right now.

Saenz knew why he was alive. His platoon in the 6th Marine Regiment Combat Team had replaced its Humvees with MRAPs. The two blasts produced just one injury, a Marine whose concussion put him on light duty for a week.

''We're probably in the safest vehicle ever designed for military use,'' Saenz says, recalling his platoon's record: Three months. Eleven bomb attacks. No one dead.

MRAPs have become legendary in Anbar since Marines began using them on dangerous missions clearing roadside bombs. Tank commanders, radio operators and others drop by Saenz's platoon every day to do what Rep. Hunter had done three years earlier—inspect the small fleet of MRAPs, knock on the armor, sometimes crawl inside.

Scores of MRAPs are scheduled to arrive in Anbar this summer. That means they'll be available for the first time to the Marines for tasks other than clearing IEDs, says Marine Col. Mike Rudolph, logistics officer for U.S. forces in western Iraq. No one has decided how MRAPs will be used, but ''everybody wants one,'' Rudolph says.

To be sure, the vehicle isn't perfect. Saenz's team warns that MRAPs drive like trucks, plodding and heavy. Some models are so bulky they have blind spots for troops peering over the boxy hood and so noisy a driver has to shout at someone 2 feet away.

''They're just so heavy,'' Sgt. Randall Miller says. ''These are virtually designed off a semi-truck platform.''

After substantial testing, the military also has concluded that MRAPs are vulnerable to explosively formed projectiles, the newest and most devastating variation of the IED. More armor has been developed for the MRAPs the Pentagon ordered this spring.

Miller isn't complaining. On his first tour in Iraq in 2004–05, Miller searched for land mines in a Humvee. His detection technique was simple: ''Go real slow, cross your fingers.'' He still drives slowly but feels safer knowing the MRAP's V-shaped hull will deflect a bomb blast. ''I've seen our guys get hit and walk away,'' Miller says. ''They're awesome, awesome vehicles.''

THE WIDOW: ''THEY SHOULD'VE DONE IT'' SOONER

Whom or what is to blame for the delay in getting safer vehicles for the 158,000 U.S. troops in Iraq?

Jim Hampton, now a retired colonel, questions why the Pentagon and Congress didn't do more to keep the troops safe. ''I have colleagues who say people need to go to jail over this, and in my mind they do,'' Hampton says.

Hunter, now running for president, blames the Pentagon bureaucracy, which he says ''doesn't move fast enough to meet the needs of the war fighter. We have a system in which the warfighting requirements are requested from the field and the acquisition people say, 'We'll get it on our schedule.' ''

Other members of Congress blame Rumsfeld and his vision of transforming the military into a leaner, faster fighting force.

Rep. John Murtha, D–Pa., wonders if Rumsfeld's forceful personality silenced some of the generals. ''Rumsfeld so intimidated the military that I've lost confidence in them telling us what they really need'' in Iraq, Murtha says.

''They all knew the Rumsfeld rule: Your career is over if you say anything contrary'' to his policies, Murtha says. ''It's much better now that Rumsfeld is gone. The military is being much more honest.''

If the Pentagon ''had just listened to the guys in the field'' who wanted MRAPs, Murtha says, ''we'd have them in Iraq right now.''

USA TODAY could not determine what role, if any, Rumsfeld played in MRAP deliberations. A spokesman for Rumsfeld, now running a foundation in Washington, said last week that the former Defense secretary would not comment.

Aaron Kincaid's widow, Rachel, doesn't know who should be held accountable. She is haunted by whether getting MRAPs to Iraq earlier might have saved her husband's life. The bomb that blew apart his Humvee lay along the path he and his unit took, and no one noticed.

Today, she wonders: Was his death really about the path that he took, or about the path the Pentagon spent years avoiding, the path that, in May, finally led them to the vehicle that might have saved her husband's life?

You think there is always something that could've been done to prevent it,'' Rachel Kincaid says of her husband's death.

''If that's been around for that many years,'' she says of the MRAP, ''why hasn't it been used? They should've done it at the beginning of the war. They should've done it three years ago, four years ago.''

IRAQ

Ms. FEINGOLD. Madam President, as I said late last week, it has been 52 months since military operations began in Iraq. Approximately 3,613 Americans have died and 25,000 have been wounded. More than 4 million Iraqis have fled their homes, and tens of thousands, at a minimum, have been killed. We have now been engaged in the war in Iraq longer than we were in World War II.

With the surge well underway, violence in Iraq has reached unprecedented levels and American troop fatalities are up 70 percent. From all angles, the situation in Iraq is an absolute disaster, and the administration's inability or unwillingness to recognize this reality is diminishing our international credibility, straining our relations with many foreign governments, and causing us to neglect weak and unstable regions that could pose threats to our national security.

The administration's single-minded focus on Iraq is preventing us from adequately confronting threats of extremism and terrorism around the globe. The declassified NIE released just yesterday confirms that al-Qaida remains the most serious threat to the United States and that key elements of that threat have been regenerated or even enhanced. The administration's policies in Iraq have also resulted in the emergence of an al-Qaida affiliate that did not exist before the war—al-Qaida in Iraq, or AQI. According to the NIE, al-Qaida's association with this group helps it raise resources and recruit and indoctrinate operatives, including for attacks against the United States.

Yet, while this report is further proof that the war in Iraq is a distraction from our core goal of fighting those who attacked us on 9/11, this administration and its supporters are still calling Iraq the ''central front in the war on terror,'' even though al-Qaida is a global threat and AQI is one of a number of actors responsible for violence in Iraq's self-sustaining sectarian conflict.

While our attention has been diverted and our resources squandered in Iraq, al-Quaida has protected its safe haven in Pakistan and has increased cooperation with regional terrorist groups. The sooner we redeploy from Iraq, the sooner we can refocus our efforts and develop a wide-ranging, inclusive strategy that would deny al-Qaida these advantages.

I remind my colleagues that last November, our constituents spoke out against this war in every way they possibly could. And as the situation continues to deteriorate, they have repeated their call—they were outside this building last night holding a candlelight vigil, and in States around the Nation, to show their support for ending this war and to tell President Bush and Senate Republicans to ''stop obstructing an end to the war.'' I know my colleagues heard their voices last November, and I am hopeful they heard them last night. It almost goes without saying that they hear them every time they return home as well.

But, just like last week and the week before that, at the other end of Pennsylvania Avenue, these pervasive calls are ignored as the President continues to make it clear that nothing not the voices of his citizens, not the advice of military and foreign policy experts, not the concerns of members from his own party—will discourage him from pursuing an indefinite and misguided war.

We can't put all the blame on the White House, however. An overwhelming majority of Congress authorized this misguided war, and now a far smaller but still determined minority

is allowing this war to continue, despite the wishes of the American people, despite the fact that our military is overstretched, and despite the fact that our presence in Iraq has been, according to our own State Department, ''used as a rallying cry for radicalization and extremist activity in neighboring countries . . .''

It is up to Congress to act because the President will not. It us up to us to listen to the American people, to save American lives, and to ensure our Nation's security by redeploying our troops from Iraq. We have that power and responsibility and we must act now.

That is why I support the amendment offered by Senators LEVIN and JACK REED—an amendment with binding deadlines for both beginning and ending redeployment and the only amendment we are likely to consider that would take a strong step toward bringing our involvement in this war to a close.

The Levin-Jack Reed amendment is not as strong as I would have liked, but it does require the President to bring home our troops, starting in 120 days. I am encouraged that this amendment is bipartisan, and while I wish it had the support of the entire Senate, the support of Senators SMITH, HAGEL, and SNOW is nonetheless an important development.

I call on other Republicans to follow their lead; there is no time to waste. It is not enough to pass something that sounds good but doesn't move us toward ending the war. Weak, feel-good amendments may give people up here political comfort but that comfort won't last long we can fool ourselves, but we can't fool the American people.

It is a tragic truth that the war in Iraq has become the defining aspect of our engagement in this part of the world. Coupled with this administration's inconsistent efforts to promote democracy and the rule of law overseas, the war has alienated and angered those whose support and cooperation we need if we are to prevail against al-Qaida and its allies.

As long as the President's policies continue, Iraq will continue to be what the 2006 declassified National Intelligence Estimate called a ''cause celebre'' for a new generation of terrorists. Meanwhile, al-Qaida has expanded its relations with dangerous regional terrorist groups.

The newest National Intelligence Estimate indicates that we may now be facing the worst-case scenario in that our indefinite military presence in Iraq has both allowed al-Qaida to reconstitute itself while it has also served as a recruitment tool for a growing and scattered global network of al-Qaida affiliates. It is becoming increasing difficult for this administration to argue, as it continues to do, that our presence in Iraq is doing anything but profoundly undermining our national security.

Instead, we should be directing our attention and resources to combating the global threat posed by al-Qaida and its affiliates. The fight against terrorism is not conventional and requires better intelligence, better cooperation with friends and allies, stronger regional institutions, and more comprehensive policies designed to reverse the conditions that might lead to the creation of safe havens. We must prevent these safe havens from being established, including by working to settle regional conflicts and ensuring adequate provision of economic and development assistance so local populations can reject terrorist organizations. We need regional strategies that address the capabilities and policies of all affected countries, both bilateral and multilateral. We must expand our assistance while ensuring that corruption and threats to human rights and political liberties do not undermine these efforts.

By redeploying our troops from Iraq, we can refocus on developing these vital strategies. And by freeing up strategic and technical capacity, we can better address other priorities that have not received adequate attention, such as the Israeli-Palestinian conflict and Somalia. We can provide real international leadership to combat other pressing enemies such as endemic poverty, HIV/AIDS, and corruption—all of which can contribute to the kinds of instability where extremists thrive. These global battles can't be won if the war in Iraq continues to dominate our foreign policy and indefinitely drain vital security resources.

As I have said before and as I will undoubtedly say again, the administration's policies in Iraq are an unmitigated disaster. But we can mitigate this disaster, lessen the massive burden imposed on our troops, regain our credibility with the international community, and make our Nation more secure. We can and must do that by redeploying our troops from Iraq. Repairing the damage that has been done to our national security will be difficult and time-consuming, and we can start today by passing the Levin-Jack Reed amendment.

There is no reason to wait any longer. Members of this body have claimed that in September we will have a clearer sense of whether the ''surge'' has succeeded and whether our policy needs to change. But we already know what that report will tell us. We have heard it from foreign policy and military experts and could even read it with our own eyes in the Pentagon's first quarterly surge report or the White House's Benchmark Assessment Report, which was released last week. The surge was intended to create a ''window'' for political progress, but significant political progress is still nowhere to be seen. We already know there is no military solution to Iraq's problems, so now the question is how long are we prepared to wait? How long are we prepared to have our young men and women police a civil war where the struggle over national identity and the distribution of power has long since moved out of the Parliament building and onto the streets? How many more brave young Americans will lose a limb or be killed while we tell ourselves that another couple months will turn around 4 years of failed policies? When are my colleagues on the other side willing to say that enough is enough?

It has been a long night, and we have had some heated exchanges. It appears that a minority of the Senate is prepared to prevent a majority of the Senate—and the country—from doing what is long overdue: putting an end to a war without end. This is not the first time that a minority has prevented a majority from acting in this body. Indeed, I have been on the other side of a few of those fights. But this is not a question of senatorial prerogatives. I am not questioning the right of Senators to prevent a vote on the Levin-Jack Reed amendment. I am, however, questioning the wisdom of such a move, of allowing this terrible mistake to continue for days, weeks, months.

I will continue working to bring this war to a close. As long as so many of my colleagues refuse to listen to the American people, to acknowledge that this war is hurting our country and making our Nation more vulnerable, we will have more debates and more votes. Sooner or later, we will end this war. And the sooner we do so, the sooner we can start redeploying our servicemembers from Iraq's civil war and refocusing on a global campaign against a ruthless, determined enemy whose reach extends far beyond Iraq.

REMEMBERING LADY BIRD JOHNSON

Mr. BIDEN. Madam President, so much has been said about the various parts of Lady Bird Johnson's life, as one of our most beloved First Ladies, as a loving mother and grandmother, as the mother of the conservation movement, and as a skilled businesswoman. But there is another aspect all of us in this body appreciate, and that is her mark on this Chamber.

Before the Johnsons left Washington in January 1969, they came to the Capitol to say farewell. And the ever gracious Lady Bird Johnson, who had watched her husband serve as a Senator and a majority leader, said:

> When we say goodbye to Washington, the address of 1600 Pennsylvania Avenue was a small span of time for us in comparison to the years that we spent closely affiliated with this building.

She knew how to use this building. She was the first First Lady to ever undertake a major legislative effort—the Highway Beautification Act of 1965. Four decades later, her efforts still bloom on our highways in every region of this country, and in this city.

She did what each of us, and all of us combined, come here to do—leave America better than we found it. Her achievement is all the more remarkable because it was a trying period in

our Nation's history. A President had been assassinated, we were divided by Vietnam, there were riots in our cities over desegregation.

But she understood nature belongs to every single one of us, and we have an obligation to pay nature back. As President Johnson said, when he signed the law:

> There is a part of America which was here long before we arrived, and will be here, if we preserve it, long after we depart.

As Mrs. Johnson departs, we thank her for her preservation. We thank her for lining every corner of the country with flowers that we all enjoy.

And we thank her for teaching us that preservation and beauty go beyond the wildflowers, to the need to deal with pollution and urban decay and other problems that are too prevalent in our country and world today.

Jill and I are thinking of her daughters, Lynda and Luci, their families—and, in particular, Senator Robb, who served this body so well.

CONGRATULATING CAL RIPKEN, JR.

Ms. MIKULSKI. Madam President, today I honor and congratulate Cal Ripken, Jr., on his induction to the Baseball Hall of Fame. Throughout his storied 21-year career, Cal has been the epitome of an ''Iron Man,'' both on and off the field.

I watched Cal go from being unknown to being the best known baseball player from Baltimore since Babe Ruth. I was there on the last day at Memorial Stadium and the first day at Camden Yards, and I will watch him when he is inducted into the Baseball Hall of Fame on July 29.

For we Orioles fans, it was never if we would be celebrating such an amazing feat but when we would be celebrating it. All baseball fans know about ''The Streak.'' We fans remember the victory lap he took around Camden Yards. And the countdown—where the numbers were displayed not just at the Camden Warehouse or in the Baltimore Sun but also at my office in Hart Senate Office building: 2,632 consecutive games, 431 home runs, 19 All-Star game starts, two American League Golden Glove awards, eight Silver Slugger Awards, two American League MVPs, and on and on.

But the most important thing we remember, which the numbers cannot fully reflect, is the strong, dependable presence of Cal—night after night, day after day—through broken bones, through the wide range of emotions and pressures he experienced as a major leaguer, as a father, and as an active citizen in our community. Every game there he was—at third base and shortstop, smiling, and doing his job. And doing it well.

I remember that fateful night when Cal broke Lou Gehrig's long-standing consecutive game record. To see that banner drop from 2130 to 2131, and to hear the admiration and jubilation from the crowd in Baltimore, was something I will always remember. The sustained cheers were neverending as Cal, urged by Rafael Palmeiro, took a lap around the field. It was a proud night for the Ripken family, for the Orioles, and for Maryland. It was such a magical night. Families from all over came with their kids to celebrate the ''Iron Man'' and his achievement. The evening had as much dignity as the player himself.

Cal's accomplishments transcend well beyond the baseball field. His character and demeanor is reflected in the success he experiences every day off the field. He shows up and gives maximum effort in every aspect of life. He puts his family above all, he is a consummate community activist and is committed to living and teaching the ''Ripken Way.''

The ''Ripken Way'' is simple, really, but its wisdom is enough to build great players and bind generations together. It states: ''Keep it Simple, Explain the Why, Celebrate the Individual, and Make it Fun.'' This style emphasizes clarity and simplicity, while also stressing empathy and interest.

I have certainly used the ''Ripken Way'' in my life and I believe many Marylanders and Americans also use it. In Maryland, I can tell you the ''Ripken Way'' is not just on our ballfields. It is in our factories. It is in our homes. It is in the bread we serve our families. It is in our hospitals in Baltimore, where Cal has contributed so much to children in need of hope and a smile. And it is in our hearts today as we salute Cal Ripken, Jr., and this wonderful honor he is receiving.

Cal applies the ''Ripken Way'' both on and off the ballfield, particularly in his philanthropic work at the Cal Ripken Sr. Foundation. The Cal Ripken Sr. Foundation was established in 2001 in memory of Cal's father. To this day, Cal carries the torch and legacy of his father. It is a legacy that has shaped Cal's life and a legacy that has shaped the entire Orioles' organization.

By emphasizing work ethic, playing by the rules, putting the team first, and showing up every day, the Cal Ripken Sr. Foundation serves disadvantaged youth across the country. The foundation has even built a beautiful state-of-the-art stadium in Aberdeen, MD, where kids can play. Cal has put much of his own money into the foundation and the stadium's construction, while also working to secure private donations.

Cal may be a local boy, but he is no ordinary man. There is no question that Cal has earned his way into the Hall of Fame, the respect of the world, and the admiration of generations to come.

Baltimore may have lost the powerhouse company Bethlehem Steel, but it will always be home to ''Iron Man'' Cal Ripken, Jr. I congratulate Cal on his stellar career, his strong work ethic, his commitment to family and community, and for the well-deserved, wonderful honor of being inducted into the Baseball Hall of Fame.

While he has already achieved so much, I can't help but think that the best is yet to come.

CONGRATULATING TONY GWYNN

Mrs. BOXER. Madam President, I ask my colleagues to join me in congratulating Tony Gwynn on his induction into the National Baseball Hall of Fame on July 29, 2007. During an illustrious 20-year career spent entirely with the San Diego Padres, Tony Gwynn was a consummate sportsman whose excellence at the plate earned him the recognition as one of the greatest hitters in the game's long and storied history.

A native Californian, Tony Gwynn was a standout student-athlete at San Diego State University, where he excelled on the school's baseball and basketball teams. Tony remains the only athlete in Western Athletic Conference history to be recognized as an all-conference performer in two sports. His talents on the baseball diamond and the basketball court would lead to his selection by the San Diego Padres and the National Basketball Association's San Diego Clippers on the same day in 1981.

Tony Gwynn made his major league debut on July 19, 1982. Over the course of the next 20 years, he would compile one of the most accomplished resumes in baseball history. A remarkable model of consistency, Tony batted over .300 for 19 consecutive seasons, leading to 3,141 career hits. A 15-time All-Star, he won 8 batting titles during his career, tying the National League record held by Honus Wagner. He is the only player in major league history to win four batting titles in two separate decades. A true all-around player, Tony also won five Gold Glove Awards in recognition of his defensive excellence in the outfield.

In addition to his accomplishments on the field, Tony Gwynn has also been widely recognized for his passion and commitment to make a positive impact in the community. In 1995, he was presented the Branch Rickey Award as the top community activist in Major League Baseball. He received the prestigious Roberto Clemente Man of the Year Award in 1999 for combining sportsmanship and community service with excellence on the field. That same year, he was inducted into the World Sports Humanitarian Hall of Fame in Boise, ID.

Affectionately known as ''Mr. Padre,'' the Padres retired his No. 19 jersey and named the street on which its beautiful downtown stadium is located ''Tony Gwynn Drive'' in his honor. Judging from his excellence on and off the field, it is clear to see why Tony Gwynn is one of the most admired and beloved sports figures in America.

As his teammates and fans would attest, Tony Gwynn is a deserving inductee into the National Baseball Hall

of Fame. Throughout his career in baseball, Tony has consistently conducted himself with integrity, character, and a commitment to community service, all the qualities that embody the best ideals of our national pastime.

I congratulate Tony Gwynn on his induction in the National Baseball Hall of Fame and wish him continued success in his future endeavors.

ADDITIONAL STATEMENTS

IN MEMORIAM: ELMA PHYLLIS STERLING

● Mrs. BOXER. Madam President, I ask my colleagues to join me in honoring the memory of the late Elma Phyllis Sterling, a devoted mother and pioneering community leader in Fresno. Mrs. Sterling, a long-time Fresno resident, passed away on July 4, 2007. She was 94 years old.

Elma Phyllis Sterling was born on November 22, 1914. She attended high school and college in New Orleans. Upon her graduation from Xavier University, Mrs. Sterling served as a schoolteacher in Louisiana before moving to Oakland, CA, in 1944. Three years later, she married her husband, Feltus LeRoy Sterling, Jr. The couple eventually moved to Fresno, where they founded a successful funeral home that remains family-operated today. They raised four children, Consuelo Sterling-Meux, Cynthia Sterling, Feltus Leroy Sterling, Jr., and Alphonse Christopher Sterling.

In addition to operating a family-owned business and raising their children, Mrs. Sterling generously offered her time, considerable energy, and many talents to a number of civic organizations. At one time, she was involved with 15 different civic causes that were committed to make her community a better place for everyone.

A former president of the National Association for the Advancement of Colored People in Fresno, Mrs. Sterling led a group of local civil rights activists to Alabama to march with Dr. Martin Luther King, Jr., in 1963. She also played an instrumental role in the establishment of the National Council of Negro Women in Fresno. Through her devotion to community service, Mrs. Sterling demonstrated an admirable and unyielding commitment to civil rights and social justice.

A renowned and widely respected community leader, Mrs. Sterling made history when she became the first African American to hold a seat on the Fresno City Council after she was called to public service by filling a vacant seat on February 27, 1969. As she had done throughout her life, Mrs. Sterling handled her tenure on the Fresno Council with her usual grace, dignity, and keen sense of fairness and justice. Although she did not seek to keep her seat beyond her appointed term, it is fair to say that the impact of Mrs. Sterling's tenure on the Fresno City Council is still being felt today. Mrs. Sterling's example has inspired succeeding generations of Fresno residents to become involved in community service regardless of their race, creed, or color. In a fitting testament to her legacy, Cynthia Sterling, Elma Phyllis Sterling's daughter, became the first African-American woman to be elected to the Fresno City Council in 2002.

Throughout a rich and fulfilling life, Elma Phyllis Sterling gave her genuine compassion and precious humanity to protect, uplift, and empower those who are most often neglected in our society. Mrs. Sterling has left behind a legacy of service and the admiration of those whose lives she touched over the years. She will be sorely missed.●

RECOGNIZING DEBRA BROWN STEINBERG

● Mr. BROWNBACK. Madam President, I wish to recognize Debra Brown Steinberg for receiving an Ellis Island Medal of Honor from the National Ethnic Coalition of Organizations. This award acknowledges her work representing immigrants whose family members died in the September 11, 2001, terrorist attacks on the World Trade Center in New York City. As a recipient of the award, Debra joins an elite group of distinguished Medal of Honor recipients such as Lee Iacocca, former Chrysler CEO and author of ''Where Have all the Leaders Gone?'', as well as several former U.S. Presidents including Gerald Ford, George H.W. Bush, and Bill Clinton.

Ms. Steinberg, moved with compassion, responded to the attacks by playing a vital leadership role in creating the New York Lawyers for the Public Interest 9/11 Project in early October 2001. She also played an important role in the creation of the 9/11 Victims Compensation Fund, which awarded a total $7 billion to family members of individuals killed in the 9/11 attacks, by drafting the New York City Bar Association's comments on the interim and final regulations for the fund. Since that time, she has worked selflessly to ensure that the family members of victims of 9/11 are cared for.

Nearly 6 years after the 9/11 attacks, Debra Brown Steinberg is still fighting for the families of victims of the terrorist attacks—specifically immigrants without legal status in the United States who, after facing the traumatic loss of a family member on 9/11, now face potential deportation. As our Nation continues to mourn the loss of friends and family members who died in the 9/11 terrorist attacks, Ms. Steinberg has set an example for all of us by helping families that have suffered greatly. Her selfless and persistent efforts have given these immigrant families hope that one day they will be able to grieve freely.

In addition to her work representing these immigrant families through the 9/11 Compensation Fund process, she has helped to draft the September 11 Family Humanitarian Relief and Patriotism Act, S. 615, which I introduced with Senator LAUTENBERG on February 15, 2007. This legislation would help immigrants whose family members were killed in the attacks heal from the tragedy as our Nation continues to do the same.

Our tradition teaches us to have compassion for the widow, the orphan, and the stranger among us. Ms. Steinberg's action representing the families of immigrant victims of 9/11 exemplifies such compassion.

We have much to learn from Debra Steinberg, and I am proud to honor her achievements before my colleagues in the Senate.●

125TH ANNIVERSARY OF STERLING, NORTH DAKOTA

● Mr. CONRAD. Madam President, I am pleased today to recognize a community in North Dakota that celebrated its 125th anniversary. On July 13 to 15, the residents of Sterling gathered to celebrate their community's history and founding.

Sterling is a community in central North Dakota, only a short drive from Bismarck, the State capital. Sterling began as a railroad depot named Sixteenth Siding in 1873 and became home to settlers in 1880, who renamed it Ballville. In 1882, the post office was established with Oscar Ball serving as its postmaster, and the town then was renamed Sterling.

Sterling has always been a quiet, small town, maintaining a population of fewer than 250 people since its founding. It has nonetheless been home to many notable establishments over the past 125 years—the bank and hotel buildings still stand as a testament to the life of the town over the past century and a quarter.

Though the town may be small, the anniversary celebration was not small by any means. Over 1,000 people attended the festivities, a crowd comparable to the one at Sterling's centennial celebration 25 years ago. The celebration included dances, live music, a quilt show, a pickup mud run, and a parade, at which onlookers were showered with free gifts and wowed by the 100 horses that walked together at the rear of the procession.

Madam President, I ask the Senate to join me in congratulating Sterling, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Sterling and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Sterling that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.●

HONORING INTELLIGENT SPATIAL TECHNOLOGIES

● Ms. SNOWE. Madam President, I wish to congratulate Intelligent Spatial Technologies, a company founded by a tremendously innovative young entrepreneur from my home State of Maine. Intelligent Spatial Technologies of Orono is a software and data company that was launched in 2003 by Christopher Frank.

The successful operation of Intelligent Spatial Technologies is a beacon to all young entrepreneurs who dream of starting up their own business. Mr. Frank founded Intelligent Spatial Technologies while a student at my alma mater, the University of Maine at Orono. While there, he worked with an all-University of Maine alumni team to grow and develop an innovative idea he dreamed of to provide location-based information on-the-go. After graduating from the University of Maine, Mr. Frank applied to become a tenant in the Target Technology Incubator. Supported by the University of Maine, the Community College System, and the Maine Small Business Development Centers, the Incubator offers early-stage tech-based companies the training and tools necessary to make their ventures a success.

With the help of Target Technology Incubator and over a million dollars in Federal and State research grants, Mr. Frank was able to realize his idea and transform it into a new, vibrant business in the State of Maine. Today, Intelligent Spatial Technologies is a leading developer in the fast-growing industry of location-based services, which is a particularly remarkable achievement when one considers that the current market value for GPS-related products is an estimated $12 billion.

Notably, Intelligent Spatial Technologies was able to successfully market its first product, the iPointer, to the University of Maine. The iPointer is an advanced device that empowers users to explore a defined area by pointing at landmarks and receiving feedback in the form of text and audio-visual images over a wireless Internet connection. The University of Maine used the product to provide prospective students with informative, custom tours to familiarize them with the university campus. The iPointer is the cornerstone of Intelligent Spatial Technologies and a unique contribution to location-based services industry. It is terrific to see that Mr. Frank wants to expand the use of his creative technology to more everyday uses, such as use with digital cameras, cellular phones, and hand-held computers.

Before concluding, I would be remiss not to mention that Christopher Frank was named Maine's Young Entrepreneur of the Year by the U.S. Small Business Administration in 2006. His cutting-edge technology and stellar leadership is highly respected in the Bangor community. Not only does Mr. Frank show leadership as president and founder of Intelligent Spatial Technologies, but he also is a founder of FUSION Bangor, an organization which aims to engage young people in community leadership through forums, meetings, and similar events. Mr. Frank has shown that no matter what your age, you can have an impact on both the business community and the local community.

The State of Maine is incredibly proud of Intelligent Spatial Technologies. To see a college student realize his business dream—while still a student, no less—is always inspiring. I wish Christopher Frank and everyone at Intelligent Spatial Technologies continued success.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY AND RELATED MEASURES DEALING WITH THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United State's, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* publication, stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2007.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources, their trafficking of illegal arms, and their formation of irregular militia, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 19, 2007*.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 980. An act to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2592. A communication from the Secretary of Agriculture and the Secretary of the Interior, transmitting, the report of draft legislation entitled, ''Healthy Forests Partnership Act''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2593. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of the authorization of Colonel Stephen R. Lanza to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2594. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral David C. Nichols, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2595. A communication from the Acting Deputy, Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report on the Department's decision to convert certain aircraft line maintenance functions to a contractor; to the Committee on Armed Services.

EC–2596. A communication from the Acting Deputy, Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the Department's decision to convert certain aviation weather observer services to a contractor; to the Committee on Armed Services.

EC–2597. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2006 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2598. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB–X and D3A32A409/82NDB–X Propellers'' ((RIN2120–AA64)(Docket No. 2005–NE–10)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2599. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–601, A300 B4–603, A300 B4–605R, A300 C4–605R Variant F, A310–204, and A310–304 Airplanes Equipped with General Electric CF6–80C2 Engines'' ((RIN2120–AA64)(Docket No. 2006–NM–188)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2600. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2003–NE–12)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2601. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–236)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2602. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–003)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2603. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; LATINOAMERICANA DE AVIACION S.A. Models PA–25, PA–25–235, and PA–25–260 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–005)) received on July 18 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–2604. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–078)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2605. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Bolivar, MO'' ((RIN2120–AA66)(Docket No. 07–ACE–5)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2606. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3219)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2607. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3220)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2608. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–68)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2609. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–012)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2610. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–83)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–132)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–200, –300, –400, –500, –600, –700, –800, and –900 Series Airplanes; Boeing Model 757–200 and –300 Series Airplanes; and McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F, DC–10–40, MD–10–30F, MD–11, and MD–11F Airplanes; Equipped with Reinforced Flight Deck Doors Installed in Accordance with Supplemental Type Certificate ST01335LA, STC ST01334LA, and STC ST01381LA, Respectively'' ((RIN2120–AA64)(Docket No. 2006–NM–228)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–055)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–041)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Vulcanair S.p.A. Model P68 Series Airplanes'' ((RIN2120-AA64)(Docket No. 2007–CE–010)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–088)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Models 35–33, 35–A33, 35–B33, 35–C33, E33, F33, G33, 35–C33A, E33A, F33A, E33C, F33C, 35, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, A36, A45, D45, 95–55, 95–A55, 95–B55, 95–B55A, 95–B55B, 95–C55, 95–C55A, D55, D55A, E55, E55A, 56TC, A56TC, 58, 95, B95, B95A, D95A, and E95 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–55)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes and Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–253)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3–60 SHERPA, SD3–SHERPA, SD3–30, and SD3–60 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–055)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182T, T182T, 206H, and T206H Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–028)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters Inc. Model MD600N Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–05)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–055)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and 182R Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–031)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fire Penetration Resistance of Thermal/Acoustic Insulation Installed on Transport Category Airplanes'' ((RIN2120–AI75)(Docket No. FAA–2006–24277)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Redmond, OR'' ((RIN2120–AA66)(Docket No. 06–ANM–5)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Peru, IL'' ((RIN2120–AA66)(Docket No. 07–AGL–1)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–63)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 45 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–066)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2629. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska'' (RIN0648–XA83) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2630. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Extend the North Pacific Groundfish Observer Program Beyond 2007'' (RIN0648–AU58) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2631. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Catcher Processors in the Gulf of Alaska'' (RIN0648–XA91) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2632. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XA82) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2633. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Action, Temporary Rule, Closure of the Eastern U.S./Canada Area'' (RIN0648–XA92) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2634. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FMVSS No. 202 Reconsideration of Technical Issues'' (RIN2127–AJ96) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2635. A communication from the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Public Safety Interoperable Communications Grant Program'' (RIN0660–ZA17) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2636. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Early Warning Reporting Clarifying Amendments'' (RIN2127–AJ94) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2637. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Department's plan to expand the Strategic Petroleum Reserve to one billion barrels; to the Committee on Energy and Natural Resources.

EC–2638. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's performance report for fiscal year 2006 relative to the Animal Drug User Fee Act; to the Committee on Health, Education, Labor, and Pensions.

EC–2639. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's performance report for fiscal year 2006 relative to the Medical Device User Fee and Modernization Act; to the Committee on Health, Education, Labor, and Pensions.

EC–2640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 34630) received on July 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2641. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator of Grant Programs, received on July 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2642. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2643. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director of National Drug Control Policy, received on July 18, 2007; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2011.

*Diane G. Farrell, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2011.

*William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2007 vice Deborah Doyle McWhinney, term expired.

*Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008.

*William S. Jasien, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009.

*William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2010.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*National Oceanic and Atmospheric Administration nomination of Jonathan W. Bailey, to be Rear Admiral.

*National Oceanic and Atmospheric Administration nomination of Philip M. Kenul, to be Rear Admiral (lower half).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. SCHUMER):

S. 1816. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. OBAMA (for himself, Mr. BOND, Mrs. MCCASKILL, Mrs. BOXER, Mrs. MURRAY, Mr. LIEBERMAN, Mr. DURBIN, Mr. JOHNSON, and Mr. WHITEHOUSE):

S. 1817. A bill to ensure proper administration of the discharge of members of the Armed Forces for personality disorder, and for other purposes; to the Committee on Armed Services.

By Mr. OBAMA:

S. 1818. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself, Ms. MURKOWSKI, and Mr. BIDEN):

S. 1819. A bill to amend the Adam Walsh Child Protection and Safety Act of 2006 to

modify a deadline relating to a certain election by Indian tribes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1820. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 1821. A bill to prohibit the closure or relocation of any county, local, or field office of the Farm Service Agency or Natural Resources Conservation Service or any office related to the rural development mission of the Department of Agriculture until at least 1 year after the enactment of an Act to provide for the continuation of agricultural programs after fiscal year 2007; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH:

S. 1822. A bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. BOND):

S. 1823. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 1824. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

By Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. DURBIN, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, and Ms. LANDRIEU):

S. 1825. A bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MCCONNELL:

S. 1826. A bill to add Kentucky State University to the list of schools eligible for assistance under part B of title III of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself, Mr. PRYOR, and Mr. ENZI):

S. 1827. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part; to the Committee on Finance.

By Mr. INHOFE:

S. 1828. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of increasing the consumption in the United States of certain ethanol-blended gasoline; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. LINCOLN, and Mr. SHELBY):

S. 1829. A bill to reauthorize programs under the Missing Children's Assistance Act; to the Committee on the Judiciary.

By Mr. BAYH:

S. 1830. A bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1831. A bill to amend the Truth in Lending Act, to improve disclosures for private student loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself, Mr. WARNER, and Mrs. BOXER):

S. 1832. A bill to reauthorize the African Elephant Conservation Act, the Rhinoceros and Tiger Conservation Act of 1994, and the Asian Elephant Conservation Act of 1997; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself and Mr. DURBIN):

S. 1833. A bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI:

S. 1834. A bill to improve the health of Americans through the gradual elimination of tobacco products; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 1835. A bill to require a report and audit on the transfer of personnel and functions from Fort Monmouth, New Jersey; to the Committee on Armed Services.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 1836. A bill to require the Comptroller General to address certain questions in connection with the closure of Fort Monmouth, New Jersey, and the transfer of personnel, functions, and activities from Fort Monmouth to Aberdeen Proving Ground, Maryland, and for other purposes; to the Committee on Armed Services.

By Mr. COLEMAN:

S. 1837. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to provide loans to eligible agricultural producers of eligible commodities that are used to produce bioenergy to ensure that the capacities of the commodity storage facilities of the agricultural producers are adequate for the storage requirements of the agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 1838. A bill to provide for the health care needs of veterans in far South Texas; to the Committee on Veterans' Affairs.

By Mr. BIDEN (for himself, Mr. LEVIN, and Mr. LAUTENBERG):

S. 1839. A bill to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read,and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. BROWNBACK, Mrs. CLINTON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. CARDIN, Mr. DURBIN, Ms. MIKULSKI, and Mr. HARKIN):

S. Res. 276. A resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 309

At the request of Mr. CASEY, his name was added as a cosponsor of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 462

At the request of Mr. REID, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 462, a bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are

not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 617

At the request of Mr. SMITH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 725

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 774

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 994

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1166

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1177

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1323

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1386

At the request of Mr. REED, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from Oregon (Mr. SMITH), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the names of the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1576

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Indiana (Mr. BAYH) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1587

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1587, a bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property and to provide for tax-exempt financing of recycling equipment, and for other purposes.

S. 1606

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1668

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1694

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1694, a bill to authorize resources for sustained research and analysis to address colony collapse disorder and the decline of North American pollinators.

S. 1748

At the request of Mr. COLEMAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1766

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1766, a bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes.

S. 1771

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1771, a bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes.

S. 1810

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. CON. RES. 31

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 31, a concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce premature death in developing nations, especially through programs that combat high levels of infectious disease, improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity.

AMENDMENT NO. 2262

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2262 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA:

S. 1818. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, today I reintroduce legislation initially inspired by an indepth report published in late 2005 by the Chicago Tribune that highlighted the extent of mercury contamination in the fish eaten by the American people.

Mercury is a potent neurotoxin that can cause serious developmental problems in children, ranging from severe birth defects to mental retardation. As many as 630,000 children born annually in the U.S. are at risk of neurological afflictions related to mercury. In adults, mercury can cause problems affecting vision, motor skills, blood pressure and fertility. As many as 10 percent of women in the U.S. of childbearing age have mercury in their blood at a level that could put a baby at risk.

Sampling conducted by the Tribune showed surprisingly high levels of mercury concentrations in freshwater and saltwater fish purchased by Chicago area consumers, fish like tuna, swordfish, orange roughy, and walleye. The Tribune also reported on how existing programs at the Food and Drug Administration and the Environmental Protection Agency have failed to adequately test and evaluate mercury levels in fish.

For all Americans, especially pregnant women and other at-risk groups, there are risks to eating fish with high mercury levels. That is why we need to work harder to get at the root causes of mercury contamination. In the short term, some have proposed strategies that include eating less fish, or issuing consumption advisories, or printing labels on tuna cans, or posting placards at the supermarket. Each of those strategies have their respective merits, but if we are really serious about making fish safer to eat, we need to actually reduce the amount of mercury in fish, and that means reducing the amount of mercury used in industry.

When policymakers focus on addressing mercury sources, often coal-fired power plants and incinerators are at the top of the list. I think it is important that we not overlook other sources, however, where new policies could yield notable mercury reductions in the short term using methods that are achievable and affordable. One such source is the chlor-alkali industry.

Chlor-alkali facilities manufacture chlorine gas and caustic soda, important chemicals that serve as the building blocks of many of the products and plastics essential to modem everyday life. For more than 100 years, mercury has been a key component in the chlorine process. Since 1974, however, about 115 plants worldwide have converted to better technologies such as membrane and diaphragm cells. Today in the U.S. more than 90 percent of the chlor-alkali industry has switched from using mercury to using these alternative catalysts. Moreover, of the 8 plants in the U.S. that still use mercury, 3 are in the process of stopping. The remaining 5, however, have made no such commitment. It is also worth noting that in 2005 alone, the 5 uncommitted mercury using plants released more than 4,400 pounds of mercury into the air, on average four times the average mercury releases of a standard coal-fired power plant.

The time has come to finish these upgrades and end the use of mercury in the chlor-alkali process, especially since these remaining plants rank among the largest mercury emitters in their respective states.

The bill I introduce today, the Missing Mercury in Manufacturing Monitoring and Mitigation Act, or M5 Act, prohibits using mercury cells in the chlorine or caustic soda manufacturing process by the year 2012. The M5 Act also puts procedures in place by midyear 2008 to track and report mercury input and output in the chlor-alkali industry. The evidence suggests that between 2000 and 2004, the industry could not account for more than 130 tons of mercury. The EPA calls this ''an enigma.'' The M5 Act addresses this enigma by tightening up mercury tracking requirements. My bill also establishes an advisory committee to study and recommend methods for transfer and long-term storage of mercury from closed or closing facilities. And the bill directs the Agency for Toxic Substances and Disease Register to conduct a health assessment at those facilities that still use mercury after 2008.

It is important to point out that there are alternatives to mercury in the chlor-alkali process, more than 100 plants worldwide have converted to better technologies. We also know that these alternatives are not cost-prohibitive. Statistics compiled in a recent report by the group Oceana demonstrate that conversion costs are substantially similar to the cost of the continued use of mercury, for example, the cost of waste disposal, treatment, monitoring, fines, and higher energy consumption associated with using the old technology.

If there were simply no alternatives to mercury for this industry, if other technologies had not been proven on a commercial scale, or if switching from mercury was simply too expensive, then I could understand if there were strong arguments against this legislation. But here we actually have a situation where mercury use could actually be phased out within a rather short period of time, improving the health of children and families. So the choice is whether we want to wait another decade and hope that improvements happen, or whether we want to ensure that mercury is phased out beginning today. I hope my colleagues will choose the latter, and I urge their support of this bill.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1820. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to enable hundreds of former Santa Susana Field Laboratory workers or their survivors

to receive compensation for illnesses caused by exposure to radiation and other toxic substances.

These benefits have long been denied them due to flaws in the Energy Employees Occupational Injury Compensation Act of 2000.

This bill fulfills the intent of Congress when it approved the act, providing compensation and care for nuclear program workers who suffered severe health problems caused by on-the-job exposure to radiation.

Specifically, this bill will provide a special status designation, under the Energy Employees Occupational Illness Compensation Act, to Santa Susana Field Laboratory employees, so they can receive the benefits they deserve.

The bill would extend the ''special exposure cohort'' status to Department of Energy employees, Department of Energy contract employees, or atomic weapons employees who worked at the Santa Susana Field Laboratory for at least 250 days prior to January 1, 2006.

This revision will provide the act's benefits to any of those workers who contracted a radiation-linked cancer due to their employment at the Santa Susana Field Laboratory.

Workers at the Santa Susana Field Laboratory played a significant role in keeping our Nation secure during the Cold War. They helped develop our nuclear weapons program, a cornerstone of our national defense.

Sadly, many workers of this era were exposed to radiation on a regular basis. But the records are incomplete and inaccurate. Some records show only estimated levels of exposure for workers, and are imprecise. In other cases, if there were records kept, they can't be found today.

Many Santa Susana Field Laboratory workers were not aware of the hazards at their workplace. Remarkably, no preventative equipment like respirators, gloves, or body suits were provided to workers.

More than 600 claims for compensation have been filed by Santa Susana Field Lab workers. Mr. President, 90 percent of those have been denied due to lack of documentation, or inability to prove exposure thresholds.

Santa Susana Field Lab workers and their families now face the burden of having to reconstruct exposure scenarios that existed more than 40 years ago, in most cases with no documentation.

The case of my constituent, Betty Reo, provides a stunning example of why this legislation is necessary.

Ms. Reo's husband, Cosmo Reo, worked at the Santa Susana Field Laboratory as an instrumentation mechanic from April 18, 1957, until May 17, 1960. Cosmo worked in the rocket testing pits and was exposed to hydrazine, trichlorethylene and other cancer-causing chemicals which attack the lungs, bladder and kidneys.

Cosmo died of renal failure in 1980. Ms. Reo applied for benefits under the Energy Employees Occupational Injury Compensation Act. She has been trying to reconstruct the exposure scenarios under which her husband worked, but without adequate documentation, which is virtually nonexistent, she has repeatedly been denied benefits.

This bill would help people like Betty Reo.

I urge my colleagues to join me in correcting these injustices and cutting through the ''red tape'' that prevents Santa Susana Field Laboratory workers, and their families, from receiving fair compensation.

For many, such as Ms. Reo, time is running out. We can no longer afford to delay, and this bill provides a straightforward solution to fix a broken system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841(14)) is amended by adding at the end the following new subparagraph:

''(D) The employee was so employed for a number of work days aggregating at least 250 work days before January 1, 2006, by the Department of Energy or a Department of Energy contractor or subcontractor at the Santa Susana Field Laboratory in California.''.

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a) of this Act), for compensation or benefits under such Act shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to such individual.

By Mrs. CLINTON (for herself and Mr. BOND):

S. 1823. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, supporting our children and early childhood education are critical to keeping America competitive. Today I am pleased to introduce the Ready to Learn Act, legislation that will help families in New York and across the country by preparing children for kindergarten. I am pleased my colleague Senator BOND, a long-time leader in early childhood development, has partnered with me in introducing this essential legislation.

Since my time as a law student, I have worked to spread information about the importance of care and education for our children, especially our youngest children. It is critical that we provide them with every possible opportunity to learn, grow, and develop early on, not just once they start kindergarten, but before they arrive. This is a cause I have believed in and fought for over the past 35 years, as an advocate, a lawyer, First Lady, a Senator, and most important of all, as a mother.

The Ready to Learn Act will help prepare children for kindergarten by providing funding for States to establish high-quality early learning programs to promote school readiness for four-year-olds in their State. States will apply for funding through a competitive process to establish and administer voluntary preschool programs; this legislation will allow governors to build on pre-existing early childhood systems. Schools, child care entities, Head Start programs, or other community providers of pre-kindergarten programs are all eligible for funding.

To ensure high-quality programs that properly prepare children to be ready to learn, State plans will require qualified teachers, a developmentally, culturally and linguistically appropriate early learning curriculum and support for professional development.

Research has shown the early years are critical in a child's development and that pre-kindergarten education offers benefits that extend through the first years of school and beyond. Children who attend high-quality pre-k programs are less likely to be held back a grade or to need special education, and they are more likely to graduate from high school. They also have higher earnings as adults and are less likely to become dependent on welfare or involved in crime.

While some parents can afford high-quality pre-kindergarten opportunities for their children, so many hard working families simply can't. As a result, in today's current education system, it is not unusual for children to arrive at kindergarten already behind their peers. Nearly 50 percent of all kindergarten teachers report that at least half of their students come to school with problems that hinder their success. One in every six kindergartners needs specialized one-on-one tutoring or special instruction in a small group. Each year, more than 200,000 children repeat kindergarten.

Back when I was First Lady, I hosted a White House Conference on Early Childhood Development and Learning, where expert after expert emphasized the importance of these early years. A child who arrives at kindergarten ready to learn has a far greater chance of excelling, not only in his or her early years, but far into his academic career. Studies show that children who learn the names and sounds of letters before entering kindergarten are 20 times more likely to read simple words by the end of kindergarten than children who enter kindergarten not knowing the letters of the alphabet. Children who do not know their letters prior to kindergarten too often fail to catch up with their peers who do. Eighty-eight percent of children who

are poor readers in first grade remain poor readers by the fourth grade. Children who are not at least modestly skilled readers by the end of third grade are unlikely to graduate from high school.

Like many of my colleagues, I have seen what happens when we invest in our children. We already know that for every one dollar we spend on early childhood education, we reap seven dollars as a society. I have seen what happens when caring adults come together and make the commitment to ensuring that our children can fulfill their Godgiven potential.

I saw it back in Arkansas when we brought HIPPY to America to teach parents how they could educate their children. We taught them about the importance of reading to their children, and using household objects to teach basic lessons.

I have seen it in visiting Head Start programs where children were learning to read, learning to count and solve problems, learning to share and interact with others and thrive in a structured environment.

We are seeing it around the country in States that have already started investing in early childhood programs. The Ready to Learn Act will support and build on that success.

Supporting our children and early childhood education are critical to keeping America competitive. It is my hope that my colleagues will join Senator BOND and I in supporting this important legislation.

By Mr. OBAMA:

S. 1824. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

Mr. OBAMA. Mr. President, I rise today to reintroduce the Hospital Quality Report Card Act, a quality-focused initiative that will actively engage all relevant stakeholder groups—patients, providers, administrators, and payers—and increase availability of information about the quality of health care services in local hospitals and health systems.

We know that overall performance in our Nation's hospitals can vary tremendously, and is mediocre at best in many institutions. The academic literature has documented serious issues in health care quality for treatment of a number of conditions, including cardiac arrhythmias, hip replacements, and alcohol dependence to name just a few. But discussions of health care quality are not limited to academic exercises; patients and their families experience medical errors and substandard hospital care every day. Just last month, the L.A. Times reported an extreme case involving Ms. Edith Isabel Rodriguez. Ms. Rodriguez, a 43-year old American woman with a perforated bowel, suffered an excruciating and possibly preventable death, after lying unattended on the floor of an emergency room for 45 minutes. Our Nation's hospitals can do better and must do better.

One step towards improving health care quality is collecting, analyzing, and reporting on health care quality, using measures that have been developed, validated, and accepted by the medical community. Not only will such measures assist hospitals by identifying problem areas and facilitating monitoring for improvement, but the transparency through public reporting will also help consumers and payers make informed decisions about where to obtain health services.

The Hospital Quality Report Card Act grants the Secretary of Health and Human Services the power to collect hospital information related to the staffing levels of nurses and health professionals, the accreditation of hospitals, the quality of care for vulnerable populations, the availability of specialty services and intensive care units, hospital acquired infections, measures of crowding in emergency rooms, and other indicators of quality care. This information—focused on health care effectiveness, safety, timeliness, efficiency, patient-centeredness, and equity—will be electronically accessible to the public. The report card initiative builds upon current work at the Centers for Medicare and Medicaid Services, as well as initiatives in a number States including my own home State of Illinois. I am proud to report that I was the primary sponsor of the Illinois Hospital Report Card Act that passed into law in 2003 and took effect in 2004.

Our Nation's reputation of having one of the best health care systems in the world needs to be restored, and this won't happen until we can assure the American people that our hospitals are doing a better job offering top-notch quality care. The Hospital Quality Report Card Initiative will help by expanding and reporting quality measurement, which will provide an incentive for hospitals to do better and valuable information to patients and consumers. I ask that you support the Hospital Quality Report Card Act and help my efforts to pass this legislation.

By Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. DURBIN, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, and Ms. LANDRIEU):

S. 1825. A bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Therebeing no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commission on Wartime Contracting Establishment Act''.

SEC. 2. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Wartime Contracting'' (in this subsection referred to as the ''Commission'').

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable; and

(v) the appropriateness of the organizational structure, policies, and practices of the Department of Defense and the Department of State for handling contingency contract management and support.

(4) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—

(I) IN GENERAL.—A subpoena may be issued under subparagraph (A) only—

(aa) by the agreement of the chairman and the vice chairman; or

(bb) by the affirmative vote of 5 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subparagraph may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under clause (i), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of subclause (I) or this subclause, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution and conviction that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term ''contingency operation'' has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training

of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

By Mr. MCCONNELL:

S. 1826. A bill to add Kentucky State University to the list of schools eligible for assistance under part B of title III of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KENTUCKY STATE UNIVERSITY QUALIFIED GRADUATE PROGRAM.

Section 326(e)(1) of the Higher Education Act of 1965 (20 U.S.C. 1063b(e)(1)) is amended—

(1) in subparagraph (Q), by striking ''and'' after the semicolon;

(2) in subparagraph (R), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(S) Kentucky State University qualified graduate program.''.

By Mr. COCHRAN (for himself, Mr. PRYOR and Mr. ENZI):

S. 1827. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part; to the Committee on Finance.

Mr. COCHRAN. Mr. President, implementation of the Medicare prescription drug plan has helped provide prescription drug coverage for millions of Medicare beneficiaries who previously did not have access to medications. Many seniors are now paying less for prescription drugs and the savings for the prescription drug program are even greater than expected. The Centers for Medicare and Medicaid Services, CMS, and health care providers worked together to plan and implement this program and from the beginning, pharmacists played a significant role in making this benefit successful. Pharmacists assisted their Medicare patients in the selection and enrollment process and filled prescriptions for patients, regardless of the guarantee of timely reimbursement. Pharmacists continue to be diligent in serving their patients and providing much-needed medications, despite financial difficulties they have encountered in providing these services.

We are introducing a bill today to assist pharmacists as they continue to serve their patients and as they help to continue the success of the Medicare drug benefit. This bill will allow pharmacists to achieve efficiencies in reimbursement for the products they provide to Medicare beneficiaries. This is especially important to the small, rural independent pharmacies in my State. This legislation will also provide incentives for pharmacists and other providers to help beneficiaries better use their medications, adhere to their drug regimens, and utilize cost saving medication therapy management programs.

I am pleased to offer this legislation that will help continue the success of the Medicare prescription drug benefit.

Mr. PRYOR. Mr. President, earlier today I joined with Senators COCHRAN and ENZI to introduce the Pharmacist Access and Recognition in Medicare Act of 2007. This is bipartisan legislation that will help ensure patients have access to local pharmacies.

I am concerned that the Medicare Modernization Act that was enacted in 2003 failed to sufficiently ensure Medicare patients would have quality access to prescription medicines available at local pharmacies.

The new drug program took effect at the beginning of 2006. We now know that during that year over 1,100 community pharmacies across the country closed their doors according to the National Community Pharmacists Association.

It is critical to me that patients living in small towns throughout Arkansas and across America have access to community pharmacies.

While I believe major reforms need to be made in the Medicare prescription drug benefit, I believe that the bipartisan bill I introduced with Senator COCHRAN and ENZI today is an achievable first step in making the Medicare drug benefit work better for patients and pharmacists who are local front line health care providers.

This bill will ensure that pharmacies are paid on a timely basis for prescriptions that are filled for Medicare beneficiaries. It can take a month for pharmacies to be paid now, and this bill will ensure that pharmacies get paid electronically for clean claims within 10 business days.

Seniors should have a choice concerning what pharmacy they use. Our bill codifies regulations ensuring that Medicare drug cards are not cobranded with the name of a pharmacy, leaving beneficiaries under the impression that the card may only be good at a single, large chain pharmacy.

Cards could be cobranded in the first year of the program. Regulations prohibit that happening this year, but our bill ensures this will not be a problem in the future.

The bill will also help ensure that medicines are used appropriately. Pharmacists are the best trained providers in our health care system to ensure prescribed medications are used correctly. The bill creates a 2 year community-based medication therapy management demonstration program using pharmacists to provide services.

By Mr. INHOFE:

S. 1828. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of increasing the consumption in the United States of certain ethanol-blended gasoline; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce a small but important bill that seeks to improve the quality of the air we breathe and increase the level of public involvement under the Clean Air Act.

The senior Senator from Rhode Island joined me in sponsoring an identical version of this bill as an amendment to the energy bill. Unfortunately, there was an objection to clearing that amendment for unknown reasons.

The objection was a surprise, particularly given the widespread support across a variety of industries and advocacy groups. In fact, the Natural Resources Defense Council and American

Lung Association sent Senator REED and me a letter of support.

Under current law, the Clean Air Act allows a petition for a new renewable fuel or renewable fuel additive, including mid-level ethanol blends, to be approved without EPA taking any action whatsoever, not asking for public comment, not conducting studies on the safety or emissions impacts and not reviewing existing emissions or safety studies. In fact, current law provides that a petition is deemed approved even if EPA fails to act or make a determination one way or another.

Environmental law and the Clean Air Act specifically, is premised upon public input and involvement. It is critical that this section of the Act, as elsewhere, provide for adequate stakeholder involvement. My bill would force EPA to give public notice and seek public comment from all interested persons on any petition for a new renewable fuel or renewable fuel additive.

Safeguarding air quality is critical, but guaranteeing that the engines that consumers rely on is important as well. Studies done by Australia's EPA found that mid-level ethanol blends can cause the following problems with motor vehicle and small, off-road engines: failure of exhaust components, for example catalyst, due to heat/durability, engine damage and seizure, engine stalling and stopping, failure of engine cut-off switches, unexpected engagement of cutting blades/chains, and fuel leaks and blockage of fuel lines. My bill directs EPA, with DOE's and USDA's assistance, to study whether the use of higher ethanol blends pose safety, air quality, or engine operability concerns in motor vehicle and nonroad engines, and equipment.

Ethanol proponents should support this bill. The ethanol industry cannot afford to have consumers turn against their product if higher levels of ethanol blends cause their snowmobile, chainsaw, or boat engine to shut down. If EPA's study shows that these higher blends are safe for all engines, then the ethanol industry will benefit from the study.

This bill is about good Government and transparent Government. EPA should not be permitted to approve these petitions ''in the dark of night,'' without public participation.

The bill that I am introducing today, like the amendment that Senator REED and I offered during the energy bill, will simply make sure that EPA carries out its duty to protect human health and the environment, increase the public's role under the Clean Air Act, and shed light on a currently private process.

Mr. LEAHY (for himself, Mr. HATCH, Mrs. LINCOLN, and Mr. SHELBY:

S. 1829. A bill to reauthorize programs under the Missing Children's Assistance Act; to the Committee on the Judiciary.

Mr. LEAHY. I am pleased to introduce the Protect Our Children First Act of 2007, which will reauthorize funding for the National Center for Missing and Exploited Children, NCMEC through fiscal year 2013, and increase Federal support and coordination to help NCMEC programs to find missing children across the Nation. I am glad that Senator HATCH has joined me in introducing this bill, along with Senators LINCOLN and SHELBY. As members of the Missing and Exploited Children's Caucus, we have all worked together on numerous pieces of legislation to protect the safety and welfare of our children, and I thank them for their continued leadership and for joining me in introducing this bill.

Just a few months ago, we commemorated the 25th National Missing Children's Day, when our Nation particularly remembers our commitment to work together in locating and recovering missing children. It pains us all to see on TV, in the newspapers or on milk cartons photo after photo of missing children from various comers of our country. As a father and grandfather, I know that an abducted child is the worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. Experts estimate that children and youth comprise between 85 percent and 90 percent of missing person reports. These families deserve the assistance of the American people and a helping hand from the Congress and from Federal agencies.

As the Nation's top resource center for child protection, the National Center for Missing and Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation and sexual exploitation. NCMEC works to make our children safer by being a national voice and advocate for those too young to vote or speak up for their own rights. The center operates under a Congressional mandate and works in cooperation with the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention to coordinate the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, the U.S. Marshals Service, and the public and private sectors to break the cycle of violence that historically has perpetuated these needless crimes against children. Child advocates like John Walsh, who worked hard in helping Congress enact the National Center's charter, also continue to support the center's vital work.

The center's professionals have disturbingly busy jobs, they have worked on more than 127,700 cases of missing and exploited children since its 1984 founding, helping to recover more than 110,200 children. The center raised its recovery rate from 64 percent in the 1990s to 96 percent today. The center has set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, a National Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography, and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and it serves as a vital resource for the 17,000 law enforcement agencies located throughout the Nation in the search for missing children and in the pursuit of adequate child protection.

The center has also developed a ''Cold Case Unit'' within the Missing Children Division that focuses on long-term missing children cases. By using age progression technology, NCMEC has recovered 741 missing children. NCMEC forensic artists have also identified 24 missing children by using facial reconstructions of unidentified remains.

In order to help the center solve these long-term cases, Section 5 of this bill would allow an Inspector General to provide staff support to NCMEC for the purpose of conducting reviews of inactive case files to develop recommendations for further investigation. The Inspector General community has one of the most diverse and talented criminal investigative cadres in the Federal Government. A vast majority of these special agents have come from traditional law enforcement agencies, and they are highly trained and extremely capable of dealing with complex criminal cases.

Under current law, an Inspector General's duties are limited to activities related to the programs and operations of an agency. Our bill would allow an Inspector General to permit criminal investigators under his or her supervision to review cold case files, so long as doing so would not interfere with normal duties. An Inspector General would not conduct actual investigations, and any Inspector General would only commit staff when the office's mission-related workloads permitted. At no time would these activities be allowed to conflict with or delay the stated missions of an Inspector General.

The Protect Our Children First Act also gives the Center better tools for working in coordination with Federal, State, and local law enforcement agencies to find missing children. This bill would provide analytical and technical support to assist law enforcement agencies in searching public databases to identify missing children and to locate abductors and would facilitate the deployment of the National Emergency Child Locator Center to assist in locating children in times of national disasters. In addition, the bill would allow

NCMEC to work in conjunction with the FBI to provide fitness determinations based on criminal history of volunteers in child-serving organizations and track the incidence of attempted child abductions to report any links or patterns to law enforcement agencies.

NCMEC is headquartered in Alexandria, VA, and operates branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children, advocating legislative changes to better protect children, conducting an array of prevention and awareness programs, and motivating individuals to become personally involved in child-protection issues. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which has been working to fulfill the Hague Convention on the Civil Aspects of International Child Abduction. The international division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

NCMEC manages to do all of this good work with an annual DOJ grant, which expires after fiscal year 2008. We must act now to extend its authorization so that it can continue to help keep children safe and families intact around the Nation. There is so much more to be done to ensure the safety of our children, and the legislation we introduce today will help the center in its efforts to prevent crimes that are committed against them.

We have before us the type of bipartisan legislation that should be moved easily through the Senate and the House. The children we seek to protect through legislation like this should not be used as pawns by groups who would play politics by saddling such efforts with controversial measures. I applaud the ongoing work of the center and hope both the Senate and the House will promptly pass this bill to show our support for the NCMEC to continue to find our missing children and to protect exploited children across the country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protect our Children First Act of 2007''.

SEC. 2. AMENDMENT TO FINDINGS.

Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended to read as follows:

''SEC. 402. FINDINGS.

''Congress finds that—

''(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place the child in grave danger;

''(2) many missing children are at great risk of both physical harm and sexual exploitation;

''(3) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

''(4) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

''(5) growing numbers of children are the victims of child sexual exploitation, increasingly involving the use of new technology to access the Internet;

''(6) children may be displaced from their parents or legal guardians as a result of national disasters such as hurricanes and floods;

''(7) sex offenders pose a threat to children; and

''(8) the National Center for Missing and Exploited Children—

''(A) serves as the national resource center and clearinghouse;

''(B) works in partnership with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, the Department of Homeland Security's Bureau of Immigration and Customs Enforcement, the United States Secret Service, and many other agencies in the effort to find missing children and prevent child victimization; and

''(C) operates a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which enable the Center to transmit images and information regarding missing and exploited children to law enforcement across the United States and around the world instantly.''.

SEC. 3. AMENDMENTS TO DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

(a) IN GENERAL.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) striking paragraph (3); and

(2) redesignating paragraph (4) as paragraph (3).

(b) ANNUAL GRANT TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(1) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) in cooperation with the Department of Justice and the Department of State and local law enforcement, develop and present an annual report on the actual number of children nationwide who are reported missing each year, the number of children who are victims of nonfamily abductions, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year;

''(G) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

''(H) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally;

''(I) provide analytical support and technical assistance to law enforcement agencies through searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors;

''(J) provide direct on-site technical assistance and consultation to law enforcement agencies in child abduction and exploitation cases;

''(K) provide forensic technical assistance and consultation to law enforcement and other agencies in the identification of unidentified deceased children through facial reconstruction of skeletal remains and similar techniques;

''(L) track the incidence of attempted child abductions in order to identify links and patterns, and provide such information to law enforcement agencies;

''(M) facilitate the deployment of the National Emergency Child Locator Center to assist in reuniting missing children with their families during periods of national disasters;

''(N) operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation in the areas of—

''(i) possession, manufacture and distribution of child pornography;

''(ii) online enticement of children for sexual acts;

''(iii) child prostitution;

''(iv) sex tourism involving children;

''(v) extrafamilial child sexual molestation; and

''(vi) unsolicited obscene material sent to a child;

and subsequently to transmit such reports, including relevant images and information, to the appropriate international, Federal, State or local law enforcement agency for investigation;

''(O) work with law enforcement, electronic service providers, electronic payment service providers, and others on methods to reduce the distribution on the Internet of images and videos of sexually exploited children;

''(P) operate the Child Victim Identification Program in order to assist the efforts of

law enforcement agencies in identifying victims of child pornography and other sexual crimes;

''(Q) develop and disseminate programs and information for the general public to educate families and children regarding the prevention of child abduction and sexual exploitation; and

''(R) develop and disseminate programs and information to local communities, schools, public officials, nonprofit organizations, and youth-serving organizations to help parents and children use the Internet safely.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) ANNUAL GRANT TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking ''$20,000,000 for each of the fiscal years 2004 through 2008'' and inserting ''$ 20,000,000 for fiscal year 2008 and such sums as are necessary for each of the fiscal years 2009 through 2013''.

(b) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking ''2004 through 2008'' and inserting ''2008 through 2013.''.

SEC. 5. AUTHORITY OF INSPECTORS GENERAL .

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

''SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

''(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

''(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

''(2) by engaging in similar activities.

''(b) LIMITATIONS.—

''(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

''(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.''.

By Mr. ENZI:

S. 1834. A bill to improve the health of Americans through the gradual elimination of tobacco products; to the Committee on Finance.

Mr. ENZI. Mr. President, I rise today to address a serious and deadly health issue. I am talking about tobacco, a scourge on our society.

Smoking kills. There is no such thing as a safe cigarette. These are not mere platitudes. They are the deadly truth. Tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, car accidents, fire and AIDS combined.

My colleague Senator KENNEDY has proposed dealing with this shocking statistic by having the Food and Drug Administration regulate tobacco. I suggest my colleagues ask themselves: What will it mean to have cigarette and tobacco products regulated by the FDA?

The FDA is the gold standard among public health regulators the world over. For the past century, the FDA has protected the public, from filthy conditions in meat packing plants to thalidomide, which caused thousands of birth defects in Western Europe. The FDA's constant vigilance is not just an historical artifact. It seems like every day there is something new for the FDA to protect us from. The headlines behind me show how we have come to depend on the FDA every day to protect us and our children from poisons that could harm or even kill us.

It is evident that the FDA is overworked and underfunded. We, as a nation, currently ask the FDA to be responsible for so many things: ensuring that new drugs and medical devices are safe and effective; safeguarding the Nation's food supply; regulating the manufacture and distribution of food additives and drugs that will be given to animals; and, increasing the security of our blood supply.

In each of these key activities, the role of the FDA is to protect our health. In providing that protection, the FDA examines key scientific facts and weighs the balance of benefit to our society and risk to our health. It is incomprehensible to me to extend that critical role to an FDA risk/benefit analysis of tobacco and cigarettes.

I will say it again: Smoking kills. There is no such thing as a ''safe'' cigarette. Any public statement by the FDA under their current authority would necessitate the finding that there is no benefit to the use of cigarettes, only harm.

The Kennedy-Cornyn bill would establish the FDA as the regulator for tobacco products. However, the bill explicitly states that the FDA will not be permitted to prohibit the sale of any tobacco product to adults. That is not true regulation. The bill would gut the authority that Congress has bestowed and staunchly defended for the FDA, the authority to remove health threats from the marketplace. This approach is so flawed that I believe the bill cannot be fixed.

Even having the FDA review and approve cigarettes sends mixed and confusing messages to the public, creating the sense that cigarettes are safe or can be made safer. The FDA cannot be put in the position of approving a product which years of science and the personal experience of far too many Americans has shown to be dangerous. Simply put, tobacco kills people. Piling on regulations and bureaucracy won't change that.

I commend my colleague Senator KENNEDY for trying to do something about the evil of tobacco. But this bill is a dinosaur. It has been introduced year after year, with barely any changes. In fact, the bill would have FDA issue a regulation from 1996 completely intact. A regulation, I might add, that was overturned by the Supreme Court. But that is beside the point. Instead of resurrecting broken, outdated legislation, we should be aiming to make tobacco extinct.

While some in the tobacco industry claim to share my views on smoking, I do not believe they have actually bought in to the idea of getting people to stop using tobacco. A case in point is the new $350 million facility Philip Morris has built in Richmond, VA. I ask unanimous consent to have printed in the RECORD the following classified ad from the journal Science.

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

(See exhibit 1.)

Mr. ENZI. Mr. President, this ad calls for the recruitment of scientists to work at this facility, studying how to ''develop relevant exposure models'' for smoking related diseases. Or to do large scale epidemiology studies on ''the cause of cigarette smoke-related diseases.'' Here I thought the cause of cigarette smoke-related diseases was smoking. Silly me.

Clearly, Philip Morris believes it will still be able to operate under the Kennedy bill. It will be business as usual for the Marlboro Man, and more Americans will die needlessly.

Trying to make cigarettes safer through a billion-dollar bureaucracy is a waste of time and money. The right approach is to get people to stop smoking, or better yet, to never start.

The key failing of the Kennedy dinosaur legislation is that it will not reduce smoking. In 2004, this bill did pass the Senate, as part of FSC-ETI. The Congressional Budget Office, in scoring the Senate-passed bill, examined the tobacco provisions. I suggest my colleagues study that score carefully. CBO suggested there would be essentially no reduction in adult smoking, and only a 12.5 percent reduction in youth smoking. The bill assesses user fees in excess of $450 million a year. There are currently 2.7 million youth smokers. When you do the math, it comes out to nearly $1,500 per year per youth smoker to achieve these reductions. I don't know if you've talked to any teenagers recently, but they are pretty entrepreneurial. I bet a lot of them would quit smoking if you just paid them to give it up, or even to stay off the stuff in the first place.

In another example of very little bang for very big bucks, a recent Institute of Medicine report from May says that if we keep doing what we are doing, we will reduce smoking from the current 20 percent of the population to about 15 percent over the next 20 years. If we do everything in the report, which is basically the Kennedy bill plus a number of other steps, some of which maybe unconstitutional, we might reduce it to 10 percent. At an unknown, but likely very high, cost.

This bill can't be fixed. I know we can do better. We just have to think bigger. We must win the war on tobacco, not sign a peace treaty with Phillip Morris.

I have developed my own tobacco legislation that would truly have an impact on the number of smokers in this country, and I am pleased to introduce today the Help End Addiction to Lethal Tobacco Habits or HEALTH Act.

My bill contains a novel cap-and-trade program—guaranteeing that

fewer people suffer the deadly consequences of smoking, while providing flexibility in how those reductions are achieved.

Cap-and-trade programs have a proven track record in the environmental arena. In the 1980s, lakes and forests were dying from acid rain. The acid rain was caused by emissions of sulfur and nitrogen oxides from power generation at electrical plants. The Clean Air Act amendments of 1990 instituted a system of allowances for emissions of sulfur and nitrogen oxides that could be used, banked, traded or sold freely on the open market. The number of allowances decreased each year. This system achieved the desired results faster and at lower cost than had been anticipated. The cap-and-trade program for sulfur and nitrogen oxides has made dramatic differences in our air quality over the past 15 years, and is a resounding success. I propose to carry this market-oriented system over to the tobacco control arena. Although this has never been tried for a health issue, I think it will work.

My legislation will contain a cap-and-trade system for shrinking the size of the tobacco market over the next 20 years. Smoking reductions are guaranteed, and companies are given time and flexibility to make the reductions or divest. In addition, small tobacco companies would have a valuable asset in their allocations, leveling the playing field a bit between the smaller and larger industry members. Finally, and I think very importantly, public health groups could buy and retire allowances to achieve the reductions in tobacco use even faster than specified in my bill. I would like to issue a challenge today to those groups, use your clout to help me make this work. Stand with me to fight tobacco and protect the health of all Americans.

I want to remind my colleagues that the FDA approves cures, not poisons. Forcing the FDA to regulate tobacco but not letting them ban it, as my colleague Senator KENNEDY proposes, would undermine the long history of the agency protecting and promoting the public health.

In closing, every day, we hear about some new problem the FDA faces in protecting our health. From contaminated seafood to tainted toothpaste, this agency is in dire need of congressional support to carry out its mission. We should be focusing our efforts on increasing the number of inspectors, and on renewing the expiring drug and device user fee laws.

I ask my colleagues to think hard about what they are proposing when they suggest FDA regulation is the way to defeat tobacco. My record is clear when it comes to tobacco. I am no friend of big tobacco and I have never taken a dime of tobacco company money for my campaigns. I don't intend to start now. But I absolutely reject the notion that the way to show you're ''for kids'' and ''against Big Tobacco'' is by sending the Nation's premier public health watchdog out to fight for safety with one hand tied behind its back. We must not mandate the FDA seal of approval on a deadly product that has no health benefit whatsoever. We can do better. Will you join me?

HEALTH SCIENCE RESEARCH FOR HARM REDUCTION—NEW POSITIONS AT PHILIP MORRIS USA

The Health Sciences Research Division of PM USA is seeking Leading Scientists in several biomedical-related research areas.

The primary goal of the Health Sciences Research Division (HSR) is to conduct health science research to facilitate the development of new methods and technologies with the potential to reduce harm associated with our products.

In June 2007, PM USA research scientists will begin occupying the new 450,000 sq. ft., state-of-the-art Center for Research and Technology (CRT) facility. HSR scientists will work in collaboration with other PM USA scientists at the CRT to investigate and discover technologies for the reduction of harm associated with our products.

Cigarette Smoke-Related Disease Scientists: Will participate in the development of models and biomarkers of cigarette smoke-related diseases including: *Cancer Scientists* investigating cancer with emphasis on lung cancer. *COPD Scientists* investigating chronic obstructive pulmonary disease. *CVD Scientists* investigating cardiovascular disease.

Experimental Pathologists: Will participate in the development and use of microscopic and imaging techniques to investigate the cause of cigarette smoke-related diseases.

Oxidative Stress Scientists: Will participate in studies investigating the role of oxidative damage and cell death processes in cigarette smoke-related diseases.

Inflammation/Immune System Scientists: Will participate in studies investigating the role of inflammatory/immunological processes in cigarette smoke-related diseases.

Inhalation Toxicologist for Aerosol Dosimetry: Will participate in studies investigating in vitro and in vivo exposure to cigarette smoke to quantify airway smoke deposition and develop relevant exposure models.

Toxicologist for PK-PD Studies: Will study the PK-PD of exposure to cigarette smoke during smoke inhalation for the purpose of developing clinically predictive cell and tissue dose models.

Epidemiologists (Molecular/Genetic and Chronic Disease): Will participate in the design, conduct and analysis of large-scale, high-throughput, molecular and chronic disease epidemiologic studies on the cause of cigarette smoke-related diseases (CVD, COPD, Cancer).

Biostatisticians: Will participate in the design and analysis of large-scale epidemiologic, in vitro and in vivo studies on the cause of cigarette smoke-related diseases (CVD, COPD, Cancer).

Geneticists (Statistical and Population): Will participate in the design and analysis of large-scale, high-throughput, molecular epidemiologic and in vivo studies on cigarette smoke-related diseases (CVD, COPD, Cancer).

Complex Systems Analysts (Systems Biology): Will participate in the integration and modeling of high-throughput, cross-platform, trans-species data on cigarette smoke-related diseases (CVD, COPD, Cancer).

By Mr. BIDEN (for himself, Mr. LEVIN, and Mr. LAUTENBERG):

S. 1839. A bill to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce, along with Senators LEVIN and LAUTENBERG, a piece of legislation which I hope will help the American victims of Libyan terrorism and their families move one step closer to receiving justice for the terrible crimes committed against them. Our legislation requires the administration to submit to Congress twice yearly reports on the status of the outstanding legal claims by these American victims and their families against the government of Libya. It also requires the administration to explain its own efforts on their behalf.

I believe it is in the United States' strategic interest to develop better relations with Libya. Colonel Qaddafi renounced terrorism and dismantled Libyan weapons of mass destruction programs. We need to demonstrate to the rogue regimes of the world that there is a path back to the civilized community of nations. Libya is an important country in its own right as a gateway between Europe and Africa, as a country which shares a border with the Darfur region of Sudan, and as an OPEC member.

But for this relationship to advance, we need to come to terms with the past. Several hundred Americans have been killed by Libyan terrorism and scores more have been injured. The Libyan regime has accepted responsibility for the heinous Pan Am 103 bombing, which killed 270 Americans. That admission also helped pave the way to the negotiations that led to Libya's renunciation of its support for terrorism and its WMD programs. But the families of the victims of Pan Am 103 are still waiting for the final settlement of their case. Last year, the Libyan government agreed to terms with the victims of the La Belle discotheque bombing in Germany. But they have since refused to honor the previously agreed upon terms. Other victims of Libyan terror are still waiting for justice. Their cases may be smaller in scale, but pain that the victims and their families have suffered is no less real.

The victims and families deserve to know what their government is doing on their behalf to settle these cases. Colonel Qaddafi needs to understand that the way forward needs to account for the past. And the State Department needs to begin to develop a coherent vision for what we hope to achieve in the Libyan—American relationship.

This piece of legislation we offer is modest, but I believe that it can help us to make progress in each of these three aspects.

Lastly, I would like to say a few words about the human rights conditions inside Libya. Yes, Americans are interested in Libya's external behavior.

But we are also concerned about the human rights conditions within Libya. I am relieved that the death sentence of the six Bulgarian nurses and Palestinian doctor accused of infecting Libyan children with HIV has been commuted. But the case against them is preposterous, as confirmed by rigorous investigations into the allegations by UNESCO and the World Health Organization. That they remain in jail is outrageous.

For more than 3 years, years, I have been calling for the release of Fathi Eljahmi, a courageous democracy advocate with serious health problems whose only crime is to speak truth to power. I again call on the Libyan government to release Mr. Eljahmi.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 276—CALLING FOR THE URGENT DEPLOYMENT OF A ROBUST AND EFFECTIVE MULTINATIONAL PEACEKEEPING MISSION WITH SUFFICIENT SIZE, RESOURCES, LEADERSHIP, AND MANDATE TO PROTECT CIVILIANS IN DARFUR, SUDAN, AND FOR EFFORTS TO STRENGTHEN THE RENEWAL OF A JUST AND INCLUSIVE PEACE PROCESS

Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. BROWNBACK, Mrs. CLINTON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. CARDIN, Mr. DURBIN, Ms. MIKULSKI, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 276

Whereas hundreds of thousands of people have died and approximately 2,500,000 people have been displaced in Darfur, Sudan since 2003;

Whereas Congress declared on July 22, 2004 that the atrocities in Darfur were genocide;

Whereas President George W. Bush has repeatedly decried the genocide in Darfur, stating, for example, on April 18, 2007, ''that genocide is the only word for what is happening in Darfur—and that we have a moral obligation to stop it'';

Whereas the crisis in Darfur and the surrounding region continues and has in fact in some ways worsened despite the efforts of the United States, the United Nations, the African Union, and the international community;

Whereas on August 30, 2006, the United Nations Security Council approved United Nations Security Council Resolution 1706 providing that the existing United Nations Mission in Sudan (UNMIS) ''shall take over from [the African Mission in Sudan (AMIS)] responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006'', and that UNMIS ''shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel'', which ''shall begin to be deployed no later than 1 October 2006'';

Whereas the Sudanese President Omar al-Bashir rejected United Nations Security Council Resolution 1706 and refused to allow the United Nations to deploy a peacekeeping force to Darfur;

Whereas Kofi Annan, then Secretary-General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union, led efforts to reach a compromise with President al-Bashir by convening a summit of interested governments and international bodies in Addis Ababa, Ethiopia on November 16, 2006;

Whereas as a result of the Addis Ababa summit an agreement was reached by all parties, including the United Nations, the African Union, the European Union, the Government of Sudan, the United States, and China, which called for a three-phased deployment of a hybrid United Nations-African Union peacekeeping force to Darfur of no less than 17,000 military troops and 3,000 civilian police, with a primarily African character, but open to non-African troop and police contributors;

Whereas the agreement stated that the United Nations-African Union hybrid force would have a strong mandate to protect civilians and that the peacekeeping force must be logistically and financially sustainable, with support from the United Nations;

Whereas President al-Bashir has repeatedly obstructed the Addis Ababa agreement since its signing by reneging on and redefining the terms of his commitment to allow the deployment of the full hybrid United Nations-African Union force;

Whereas on June 11, 2007, President al-Bashir pledged to accept unconditionally the full United Nations-African Union hybrid deployment;

Whereas some subsequent speeches and statements by President al-Bashir have contradicted that claim of acceptance while others have reinforced it;

Whereas diplomatic efforts to secure President al-Bashir's genuine acceptance and facilitation of the full United Nations-African Union hybrid force must not lead to weakening of the structure, capacities, or mandate of that force in exchange for President al-Bashir's full compliance;

Whereas history has repeatedly demonstrated that the ultimate success or failure of any peacekeeping force depends significantly on its size, resources, mandate, mobility, and command structure;

Whereas to establish conditions of peace and security, the peacekeeping mission must be accompanied by a peace-building process among the parties to the conflict;

Whereas such a process will require a sustained, coordinated, and high-level diplomatic attempt to unify the rebel groups in the region and engagement with the rebels and the Sudanese government in order to forge a comprehensive political settlement;

Whereas under the international humanitarian law of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516) and the Protocols Additional to the Geneva Conventions of 12 August 1949, done at Geneva June 8, 1977, all parties to the conflict in Darfur are required to refrain from attacks on civilians and on medical and other humanitarian personnel, and all perpetrators should be held accountable for violations of international humanitarian law; and

Whereas failure on the part of the international community to take all steps necessary to generate, deploy, and maintain an effective United Nations-African Union hybrid peacekeeping force will result in the continued loss of life and further degradation of humanitarian infrastructure in Darfur: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President of the United States to—

(A) work with members of the United Nations Security Council and the African Union to ensure the expeditious deployment of the United Nations-African Union hybrid peacekeeping force under Chapter VII of the United Nations Charter and operating under United Nations guidelines and procedures for command and control with a mandate affirming that civilian protection is a primary mission objective;

(B) strongly encourage the member states of the United Nations that have the capabilities to do so, to contribute collectively approximately 19,500 military personnel and up to 6,500 police to implement the mandate, as is currently under discussion in the United Nations Security Council;

(C) work bilaterally and with member states of the North Atlantic Trade Organization, the United Nations, the European Union, the African Union, and other capable partners to—

(i) rapidly implement pre-deployment programs and provide equipment to United Nations standards, with a special focus on African peacekeepers, in order to ensure that a full complement of peacekeepers can be deployed, sustained, and rotated as necessary; and

(ii) provide the United Nations-African Union hybrid force with—

(I) sufficient logistical support and airlift capacity;

(II) necessary vehicles, fixed-wing aircraft, and helicopters for tactical reconnaissance and armed deterrence; and

(III) other equipment;

(D) work with members of the United Nations and the African Union to—

(i) ensure that substantive civilian mission components are rapidly established and able to capitalize on any opportunities to advance the political and peace processes which the successful deployment of the United Nations-African Union hybrid force may create;

(ii) reinitiate a peace-building process among the parties to the conflict as part of a sustained, coordinated, high-level diplomatic effort to forge a comprehensive political settlement; and

(iii) ensure the security, maintenance, and expansion of humanitarian access to those in need and promote a return to the rule of law in the region;

(E) work with members of the United Nations, the African Union, the European Union, and other donor nations to ensure that adequate financial support is provided to peacekeepers serving in the current African Mission in Sudan, and the planned hybrid United Nations-African Union force; and

(F) work with Congress to ensure robust funding for the hybrid United Nations-African Union peacekeeping mission in Darfur;

(2) urges the Secretary-General of the United Nations and the Chairperson of the African Union to make every effort to expedite the urgent generation, rapid deployment, and effective administration of the full United Nations-African Union hybrid force;

(3) urges Sudanese President Omar al-Bashir and the Government of Sudan to abide by the agreement of President al-Bashir to fully accept and facilitate the deployment of the United Nations-African Union hybrid force without condition;

(4) urges the President's Special Envoy to Sudan to continue his legislative outreach, including offering to brief Congress every 60 days on the status of deployment of the United Nations-African Union hybrid peacekeeping force and parallel measures to enable peace in Darfur through an inclusive political process; and

(5) urges President George W. Bush, the United Nations Security Council, the African Union, the European Union, the League of

Arab States, nations in the region, and individual nations with significant economic or political influence over Sudan to—

(A) hold President al-Bashir and the Government of Sudan accountable for any failure through neglect or obstruction to fully facilitate the deployment of the full United Nations-African Union hybrid force for Darfur; and

(B) be prepared to implement meaningful measures, including the imposition of multilateral sanctions, an arms embargo, and a no fly zone for Sudanese military flights over Darfur, if the Government of Sudan obstructs deployment of the agreed upon peacekeeping mission.

Mr. BIDEN. Mr. President, today Senator LUGAR and I introduce a resolution calling for the urgent deployment of a peacekeeping mission to Darfur, but also laying out some benchmarks for that mission.

We are all aware of the terrible carnage that 4 years of genocide have wrought in Darfur and the surrounding region. Hundreds of thousands of people have been killed and millions more have been driven into camps.

The world has watched, it has passed resolutions, and it has decried the killings, but it has not stopped them.

Last month brought the welcome news that the Sudanese government had finally agreed once again, the deployment of a full-scale, joint peacekeeping operation by the United Nations and the African Union.

But in the weeks since then, President al-Bashir has fallen into his old pattern of backpedaling away from his commitments, of accepting the mission but seeking to impose conditions, and of alternately agreeing to the troops and then recanting.

President Bashir may be wavering, but the world must not.

The resolution that we are introducing today expresses Congress's determination to move forward in support of this peacekeeping mission and reaffirms the minimum standards of this mission, which the Khartoum government must not be allowed to bargain away.

It is critical that the United Nations and the African Union hold firm on the structure, capacity, command and control mechanisms, and mandate of the peacekeeping force. We cannot negotiate down on the force levels that are needed; this resolution supports the ongoing efforts at the United Nations Security Council to pass a resolution authorizing approximately 20,000 peacekeeping troops and over 6000 police personnel.

In addition to numbers, it is equally important that the mission have the mandate to protect Darfur's civilians and the means to carry out that mandate.

All the resolutions in the world, however, will not save the people of Darfur if the international community does not contribute the forces and equipment that are needed for this peacekeeping mission.

This resolution urges the member states of the United Nations to step up to volunteer the needed forces. It also urges the President to work with these countries and the African Union and NATO to expedite deployment.

Together with our partners, we must ensure that the UN–AU force has the people and the equipment to do the job, including the air assets that will be needed to patrol an area that is the size of Texas but lacks both roads and infrastructure. We must also take steps to ensure humanitarian access and security for those bringing aid to the millions of people in Darfur who are in need. We cannot continue to allow attacks against humanitarian workers to take place with impunity.

Our resolution also emphasizes that peacekeeping must be accompanied by a reinvigorated peace-building effort. Chaos and fragmentation are accelerating in Darfur by the day. Blue helmeted troops are not enough: Khartoum, the rebel groups, and leading nations like the U.S. must all work toward a lasting and inclusive peace agreement on the ground.

I am committed to working with the administration to help secure the resources that are needed to fund this mission. If commitments for crucial equipment are not forthcoming, then the U.S. should help provide them—we have the best troops and the best equipment in the world and we must stand ready to assist this effort to bring four years of murder, rape, and destruction to an end.

Finally, I will conclude as our resolution does: if Khartoum does not fulfill its part of the agreement and allow the full deployment of the peacekeeping mission, then the international community must impose multilateral sanctions, an expanded arms embargo, and a no fly zone over Darfur.

The world stands at a critical moment: we must collectively assume our responsibility to protect the people of Darfur, either through the fulfillment of this peacekeeping mission or the imposition of meaningful countermeasures. Four years of killing are four years too many.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2331. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table.

SA 2332. Mr. BUNNING (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2333. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2334. Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAPO, Mr. BUNNING, Mr. CORKER, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2335. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table.

SA 2337. Mr. NELSON, of Nebraska (for himself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

SA 2338. Mr. COLEMAN (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2339. Mr. CORNYN (for himself, Mr. ENZI, Mr. GREGG, Mr. SMITH, Mr. SUNUNU, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2340. Ms. COLLINS (for herself, Mr. KYL, Mr. LIEBERMAN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2341. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2342. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2343. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2344. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2345. Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2346. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2347. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2348. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2339 submitted by Mr. CORNYN (for himself, Mr. ENZI, Mr. GREGG, Mr. SMITH, Mr. SUNUNU, Mr. COLEMAN, and Mr. VOINOVICH) to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2349. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2350. Mrs. DOLE (for herself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 2327

proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2351. Mr. MCCONNELL proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2352. Mr. DEMINT proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2353. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2354. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2355. Mr. ENSIGN proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2356. Mr. SALAZAR proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2357. Mr. MCCONNELL proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2358. Ms. STABENOW proposed an amendment to amendment SA 2355 proposed by Mr. ENSIGN to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2359. Mr. COLEMAN proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2360. Mr. GRAHAM proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2361. Mr. SCHUMER proposed an amendment to amendment SA 2341 submitted by Mr. SUNUNU to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2362. Mr. DEMINT proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2363. Ms. LANDRIEU proposed an amendment to amendment SA 2362 proposed by Mr. DEMINT to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2364. Mr. KERRY proposed an amendment to amendment SA 2353 submitted by Mr. KYL to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

TEXT OF AMENDMENTS

SA 2331. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) RESTORATION OF PRIOR LAW FORMULA.—Subsection (a) of section 86 (relating to social security and tier 1 railroad retirement benefits) is amended to read as follows:

''(a) IN GENERAL.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

''(1) one-half of the social security benefits received during the taxable year, or

''(2) one-half of the excess described in subsection (b)(1).''.

(b) REPEAL OF ADJUSTED BASE AMOUNT.—Subsection (c) of section 86 is amended to read as follows:

''(c) BASE AMOUNT.—For purposes of this section, the term 'base amount' means—

''(1) except as otherwise provided in this subsection, $25,000,

''(2) $32,000 in the case of a joint return, and

''(3) zero in the case of a taxpayer who—

''(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

''(B) does not live apart from his spouse at all times during the taxable year.''.

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 871(a)(3) is amended by striking ''85 percent'' and inserting ''50 percent''.

(2)(A) Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (Public Law 98–21) is amended—

(i) by striking ''(A) There'' and inserting ''There'';

(ii) by striking ''(i)'' immediately following ''amounts equivalent to''; and

(iii) by striking '', less (ii)'' and all that follows and inserting a period.

(B) Paragraph (1) of section 121(e) of such Act is amended by striking subparagraph (B).

(C) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(D) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SUBSECTION (c)(1).—The amendment made by subsection (c)(1) shall apply to benefits paid after December 31, 2007.

(3) SUBSECTION (c)(2).—The amendments made by subsection (c)(2) shall apply to tax liabilities for taxable years beginning after December 31, 2007.

SEC. ____. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.

There are hereby appropriated to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

SA 2332. Mr. BUNNING (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. __. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).''.

SA 2333. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

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

SA 2334. Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAPO, Mr. BUNNING, Mr. CORKER, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the end of the bill, insert the following:

SEC. _____. FAIRNESS DOCTRINE PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the ''Broadcaster Freedom Act of 2007''.

(b) FAIRNESS DOCTRINE PROHIBITED.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

''SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

''Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, 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', as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees*, 50 Fed. Reg. 35418 (1985).''.

SA 2335. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. IMPROVISED EXPLOSIVE DEVICE AND EXPLOSIVELY FORMED PENETRATOR PROTECTION FOR MILITARY VEHICLES.

(a) PROCUREMENT OF ADDITIONAL MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) ADDITIONAL AMOUNT FOR MARINE CORPS PROCUREMENT.—The amount authorized to be appropriated by section 1502(b) for procurement for the Marine Corps is hereby increased by $23,600,000,000.

(2) AVAILABILITY FOR PROCUREMENT OF ADDITIONAL MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1502(b)

for procurement for the Marine Corps, as increased by paragraph (1), $23,600,000,000 may be available for the Marine Corps as program manager for the Army for the procurement of 15,200 Mine Resistant Ambush Protected (MRAP) Vehicles for the Army.

(b) ADDITIONAL COSTS OF CURRENT PROCUREMENT OF MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) ADDITIONAL AMOUNT FOR MARINE CORPS PROCUREMENT.—The amount authorized to be appropriated by section 1502(b) for procurement for the Marine Corps is hereby increased by $1,000,000,000.

(2) AVAILABILITY FOR ADDITIONAL COSTS OF CURRENT PROCUREMENT OF MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1502(b) for procurement for the Marine Corps, as increased by paragraph (1), $1,000,000,000 may be available for the Marine Corps as program manager for the on-going procurement of 7,774 Mine Resistant Ambush Protected Vehicles for the Armed Forces.

(c) HIGHLY SURVIVABLE URBAN VEHICLES.—

(1) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 1501(5) for other procurement for the Army is hereby increased by $200,000,000.

(2) AVAILABILITY FOR HIGHLY SURVIVABLE URBAN VEHICLES.—Of the amount authorized to be appropriated by section 1501(5) for other procurement for the Army, as increased by paragraph (1), $200,000,000 may be available for the Army Rapid Equipping Forces for the Ballistic Protection Experiment (BPE) program for Highly Survivable Urban Vehicles.

(d) ADDITIONAL VEHICLE-BASED EXPLOSIVELY FORMED PENETRATOR PROTECTION.—

(1) ADDITIONAL AMOUNT FOR JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.—The amount authorized to be appropriated by section 1510 for the Joint Improvised Explosive Device Defeat Fund is hereby increased by $200,000,000.

(2) AVAILABILITY FOR ADDITIONAL VEHICLE-BASED EXPLOSIVELY FORMED PENETRATOR PROTECTION.—Of the amount authorized to be appropriated by section 1510 for the Joint Improvised Explosive Device Defeat Fund, as increased by paragraph (1), $200,000,000 may be available for other initiatives to field vehicle-based explosively formed penetrator protection.

(e) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth such recommendations for legislative or administrative action as the Secretary considers appropriate to accelerate the procurement and deployment of improvised explosive device vehicle protection and explosively former penetrator vehicle protection.

SA 2336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV of the bill, add the following:

PART H—FEDERAL SUPPLEMENTAL LOAN PROGRAM

SEC. 499. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"SEC. 499B. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Federal Supplemental Loan Program in accordance with this section.

''(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a loan under this section if such individual attends an institution of higher education on a full-time basis as an undergraduate or graduate student.

''(c) FIXED INTEREST RATE LOANS AND VARIABLE INTEREST RATE LOANS.—

''(1) IN GENERAL.—Beginning with academic year 2008–2009, the Secretary shall make fixed interest rate loans and variable interest rate loans to eligible individuals under this section to enable such individuals to pursue their courses of study at institutions of higher education on a full-time basis.

''(2) FIXED INTEREST RATE LOANS.—With respect to a fixed interest rate loan made under this section, the applicable rate of interest on the principal balance of the loan shall be set by the Secretary at the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

''(3) VARIABLE INTEREST RATE LOANS.—With respect to a variable interest rate loan made under this section, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

''(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

''(B) a margin determined on an annual basis by the Secretary to result in the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

''(d) MAXIMUM LOAN AMOUNT.—

''(1) IN GENERAL.—The Secretary shall make a loan under this section in any amount up to the maximum amount described in paragraph (2).

''(2) MAXIMUM AMOUNT.—For an eligible individual, the maximum amount shall be calculated by subtracting from the estimated cost of attendance for such individual to attend the institution of higher education, any amount of financial aid awarded to the eligible individual and any loan amount for which the individual is eligible, but does not receive such amount, pursuant to the subsidized loan program established under section 428 and the unsubsidized loan program established under section 428H.

''(e) COSIGNERS.—The Secretary shall offer to eligible individuals both fixed interest rate loans and variable interest rate loans under this section with the option of having a cosigner or not having a cosigner.

''(f) REPAYMENT.—The Secretary shall offer a borrower of a loan made under this section the same repayment plans the Secretary offers under section 455(d) for Federal Direct Loans.

''(g) CONSOLIDATION.—A borrower of a loan made under this section may consolidate such loan with Federal Direct Loans made under part D.

''(h) DISCLOSURES AND COOLING OFF PERIOD.—

''(1) DISCLOSURES.—The Secretary shall provide disclosures to each borrower of a loan made under this section that are not less than as protective as the disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.), including providing a description of the terms, fees, and annual percentage rate with respect to the loan before signing the promissory note.

''(2) COOLING OFF PERIOD.—With respect to loans made under this section, the Secretary shall provide a cooling off period for the borrower of not less than 10 business days during which an individual may rescind consent to borrow funds pursuant to this section.

''(i) DISCRETION TO ALTER.—The Secretary may design or alter the loan program under this section with features similar to those offered by private lenders as part of loans financing postsecondary education.''.

SA 2337. Mr. NELSON of Nebraska (for himself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Beginning on page 5, strike line 13 and all that follows through page 27, line 18, and insert the following:

''(A) $1,670,000,000 for fiscal year 2008;
''(B) $2,060,000,000 for fiscal year 2009;
''(C) $2,460,000,000 for fiscal year 2010;
''(D) $2,880,000,000 for fiscal year 2011;
''(E) $2,970,000,000 for fiscal year 2012;
''(F) $360,000,000 for fiscal year 2013;
''(G) $3,080,000,000 for fiscal year 2014;
''(H) $3,140,000,000 for fiscal year 2015;
''(I) $3,190,000,000 for fiscal year 2016; and
''(J) $3,270,000,000 for fiscal year 2017.

''(2) AVAILABILITY OF FUNDS.—Funds appropriated under paragraph (1) for a fiscal year shall remain available through the last day of the fiscal year immediately succeeding the fiscal year for which the funds are appropriated.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

TITLE II—STUDENT LOAN BENEFITS, TERMS, AND CONDITIONS

SEC. 201. DEFERMENTS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking ''3 years'' and inserting ''6 years''.

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking ''3 years'' and inserting ''6 years''.

(c) DIRECT LOANS.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking ''3 years'' and inserting ''6 years''.

(d) PERKINS.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking ''3 years'' and inserting ''6 years''.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to the loans made to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 202. STUDENT LOAN DEFERMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M)(iii) (20 U.S.C. 1078(b)(1)(M)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking ''not in excess of 3 years'';

(2) in subclause (II), by striking ''; or'' and inserting a comma; and

(3) by adding at the end the following:
''and for the 180-day period following the demobilization date for the service described in subclause (I) or (II); or''.

(b) DIRECT LOANS.—Section 455(f)(2)(C) (20 U.S.C. 1087e(f)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking ''not in excess of 3 years'';

(2) in clause (ii), by striking ''; or'' and inserting a comma; and

(3) by adding at the end the following:
''and for the 180-day period following the demobilization date for the service described in clause (i) or (ii); or''.

(c) PERKINS LOANS.—Section 464(c)(2)(A)(iii) (20 U.S.C. 1087dd(c)(2)(A)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking ''not in excess of 3 years'';

(2) in subclause (II), by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

''and for the 180-day period following the demobilization date for the service described in subclause (I) or (II);''.

(d) APPLICABILITY.—Section 8007(f) of the Higher Education Reconciliation Act of 2005 (20 U.S.C. 1078 note) is amended by striking ''loans for which'' and all that follows through the period at the end and inserting ''all loans under title IV of the Higher Education Act of 1965.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 203. INCOME-BASED REPAYMENT PLANS.

(a) FFEL.—Section 428 (as amended by sections 201(b) and 202(a)) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking ''income contingent'' and inserting ''income-based''; and

(ii) in subparagraph (E)(i), by striking ''income-sensitive'' and inserting ''income-based''; and

(B) by striking clause (iii) of paragraph (9)(A) and inserting the following:

''(iii) an income-based repayment plan, with parallel terms, conditions, and benefits as the income-based repayment plan described in subsections (e) and (d)(1)(D) of section 455, except that—

''(I) the plan described in this clause shall not be available to a borrower of an excepted PLUS loan (as defined in section 455(e)(10)) or of a loan made under 428C that includes an excepted PLUS loan;

''(II) in lieu of the process of obtaining Federal income tax returns and information from the Internal Revenue Service, as described in section 455(e)(1), the borrower shall provide the lender with a copy of the Federal income tax return and return information for the borrower (and, if applicable, the borrower's spouse) for the purposes described in section 455(e)(1), and the lender shall determine the repayment obligation on the loan, in accordance with the procedures developed by the Secretary;

''(III) in lieu of the requirements of section 455(e)(3), in the case of a borrower who chooses to repay a loan made, insured, or guaranteed under this part pursuant to income-based repayment and for whom the adjusted gross income is unavailable or does not reasonably reflect the borrower's current income, the borrower shall provide the lender with other documentation of income that the Secretary has determined is satisfactory for similar borrowers of loans made under part D;

''(IV) the Secretary shall pay any interest due and not paid for under the repayment schedule described in section 455(e)(4) for a loan made, insured, or guaranteed under this part in the same manner as the Secretary pays any such interest under section 455(e)(6) for a Federal Direct Stafford Loan;

''(V) the Secretary shall assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under this part (other than an excepted PLUS Loan or a loan under section 428C that includes an excepted PLUS loan), for a borrower who satisfies the requirements of subparagraphs (A) and (B) of section 455(e)(7), in the same manner as the Secretary cancels such outstanding balance under section 455(e)(7); and

''(VI) in lieu of the notification requirements under section 455(e)(8), the lender shall notify a borrower of a loan made, insured, or guaranteed under this part who chooses to repay such loan pursuant to income-based repayment of the terms and conditions of such plan, in accordance with the procedures established by the Secretary, including notification that—

''(aa) the borrower shall be responsible for providing the lender with the information necessary for documentation of the borrower's income, including income information for the borrower's spouse (as applicable); and

''(bb) if the borrower considers that special circumstances warrant an adjustment, as described in section 455(e)(8)(B), the borrower may contact the lender, and the lender shall determine whether such adjustment is appropriate, in accordance with the criteria established by the Secretary; and'';

(2) in subsection (e)—

(A) in the subsection heading, by striking ''INCOME-SENSITIVE'' and inserting ''INCOME-BASED'';

(B) in paragraph (1)—

(i) by striking ''income-sensitive repayment'' and inserting ''income-based repayment''; and

(ii) by inserting ''and for the public service loan forgiveness program under section 455(m), in accordance with section 428C(b)(5)'' before the semicolon; and

(C) in paragraphs (2) and (3), by striking ''income-sensitive'' each place the term occurs and inserting ''income-based''; and

(3) in subsection (m)—

(A) in the subsection heading, by striking ''INCOME CONTINGENT'' and inserting ''INCOME-BASED'';

(B) in paragraph (1), by striking ''income contingent repayment plan'' and all that follows through the period at the end and inserting ''income-based repayment plan as described in subsection (b)(9)(A)(iii) and section 455(d)(1)(D).''; and

(C) in the paragraph heading of paragraph (2), by striking ''INCOME CONTINGENT'' and inserting ''INCOME-BASED''.

(b) CONSOLIDATION LOANS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)(3)(B)(i)(V), by striking ''for the purposes of obtaining an income contingent repayment plan,'' and inserting ''for the purpose of using the public service loan forgiveness program under section 455(m),'';

(2) in subsection (b)(5)—

(A) in the first sentence, by striking '', or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender,'' and inserting '', or chooses to obtain a consolidation loan for the purposes of using the public service loan forgiveness program offered under section 455(m),''; and

(B) in the second sentence, by striking ''income contingent repayment under part D of this title'' and inserting ''income-based repayment''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) in the first sentence, by striking ''of graduated or income-sensitive repayment schedules, established by the lender in accordance with the regulations of the Secretary.'' and inserting ''of graduated repayment schedules, established by the lender in accordance with the regulations of the Secretary, and income-based repayment schedules, established pursuant to regulations by the Secretary.''; and

(ii) in the second sentence, by striking ''Except as required'' and all that follows through ''subsection (b)(5),'' and inserting ''Except as required by such income-based repayment schedules,''; and

(B) in paragraph (3)(B), by striking ''income contingent repayment offered by the Secretary under subsection (b)(5)'' and inserting ''income-based repayment''.

(c) DIRECT LOANS.—Section 455 (as amended by sections 201(c) and 202(b)) (20 U.S.C. 1087e) is further amended—

(1) in subsection (d)—

(A) in paragraph (1)(D)—

(i) by striking ''income contingent repayment plan'' and inserting ''income-based repayment plan''; and

(ii) by striking ''a Federal Direct PLUS loan'' and inserting ''an excepted PLUS loan or any Federal Direct Consolidation Loan that includes an excepted PLUS loan (as defined in subsection (e)(10))''; and

(B) in paragraph (5)(B), by striking ''income contingent'' and inserting ''income-based''; and

(2) in subsection (e)—

(A) in the subsection heading, by striking ''INCOME CONTINGENT'' and inserting ''INCOME-BASED'';

(B) in paragraphs (1), (2), and (3), by striking ''income contingent'' each place the term appears and inserting ''income-based'';

(C) in paragraph (4)—

(i) by striking ''Income contingent'' and inserting ''Income-based''; and

(ii) by striking ''Secretary.'' and inserting ''Secretary, except that the monthly required payment under such schedule shall not exceed 15 percent of the result obtained by calculating the amount by which—

''(A) the borrower's adjusted gross income; exceeds

''(B) 150 percent of the poverty line applicable to the borrower's family size, as determined under section 673(2) of the Community Service Block Grant Act,

divided by 12.'';

(D) in paragraph (5), by striking ''income contingent'' and inserting ''income-based'';

(E) by redesignating paragraph (6) as paragraph (8);

(F) by inserting after paragraph (5) the following:

''(6) TREATMENT OF INTEREST.—In the case of a Federal Direct Stafford Loan, any interest due and not paid for under paragraph (2) shall be paid by the Secretary.

''(7) LOAN FORGIVENESS.—The Secretary shall cancel the obligation to repay an outstanding balance of principal and interest due on all loans made under this part, or assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under part B, (other than an excepted PLUS Loan, or any Federal Direct Consolidation Loan or loan under section 428C that includes an excepted PLUS loan) to a borrower who—

''(A) makes the election under this subsection or under section 428(b)(9)(A)(iii); and

''(B) for a period of time prescribed by the Secretary not to exceed 25 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 of the following requirements with respect to each payment made during such period:

''(i) Has made the payment under this subsection or section 428(b)(9)(A)(iii).

''(ii) Has made the payment under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

''(iii) Has made a payment that counted toward the maximum repayment period under income-sensitive repayment under section 428(b)(9)(A)(iii) or income contingent repayment under section 455(d)(1)(D), as each such section was in effect on June 30, 2008.

''(iv) Has made a reduced payment of not less than the amount required under subsection (e), pursuant to a forbearance agreement under section 428(c)(3)(A)(i) for a borrower described in 428(c)(3)(A)(i)(II).'';

(G) in the matter preceding subparagraph (A) of paragraph (8) (as redesignated by subparagraph (E)), by striking ''income contingent'' and inserting ''income-based''; and

(H) by adding at the end the following:

''(9) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income-based repayment may choose, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.

''(10) DEFINITION OF EXCEPTED PLUS LOAN.—In this subsection, the term 'excepted PLUS loan' means a Federal Direct PLUS loan or a loan under section 428B that is made, insured, or guaranteed on behalf of a dependent student.''.

(d) CONFORMING AMENDMENTS AND TECHNICAL CORRECTIONS.—The Act (20 U.S.C. 1001 et seq.) is further amended—

(1) in section 427(a)(2)(H) (20 U.S.C. 1077(a)(2)(H))—

(A) by striking ''or income-sensitive''; and

(B) by inserting ''or income-based repayment schedule established pursuant to regulations by the Secretary'' before the semicolon at the end; and

(2) in section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)), by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)''.

(e) TRANSITION PROVISION.—A student who, as of June 30, 2008, elects to repay a loan under part B or part D of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.) through an income-sensitive repayment plan under section 428(b)(9)(A)(iii) of such Act (20 U.S.C. 1078(b)(9)(A)(iii)) or an income contingent repayment plan under section 455(d)(1)(D) of such Act (20 U.S.C. 1087e(d)(1)(D)) (as each such section was in effect on the day before the date of enactment of this Act) shall have the option to continue repayment under such section (as such section was in effect on such day), or may elect, beginning on July 1, 2008, to use the income-based repayment plan under section 428(b)(9)(A)(iii) or 455(d)(1)(D) (as applicable) of the Higher Education Act of 1965, as amended by this section.

(f) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

TITLE III—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 301. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended—

(1) in the matter preceding clause (i), by striking ''insures 98 percent'' and inserting ''insures 97 percent'';

(2) in clause (i), by inserting ''and'' after the semicolon;

(3) by striking clause (ii); and

(4) by redesignating clause (iii) as clause (ii).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 302. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

''(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

''(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent'; and

''(II) beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '24 percent'.''.

SEC. 303. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007, except that section 428I of the Higher Education Act of 1965 (as in effect on the day before the date of enactment of this Act) shall apply to eligible lenders that received a designation under subsection (a) of such section prior to October 1, 2007, for the remainder of the year for which the designation was made.

SEC. 304. DEFINITIONS.

(a) AMENDMENTS.—Section 435(o)(1) (20 U.S.C. 1085(o)(1)) is amended—

(1) in subparagraph (A)(ii), by striking ''100 percent of the poverty line for a family of 2'' and inserting ''150 percent of the poverty line applicable to the borrower's family size''; and

(2) in subparagraph (B)(ii), by striking ''to a family of two'' and inserting ''to the borrower's family size''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply with respect to any borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 305. SPECIAL ALLOWANCES.

(a) REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.—Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) in clause (i), by striking ''(iii), and (iv)'' and inserting ''(iii), (iv), and (vi)''; and

(2) by adding at the end the following:

''(vi) REDUCTION FOR LOANS DISBURSED ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l) and for which the first disbursement of principal is made on or after October 1, 2007, the special allowance payment computed pursuant to this subparagraph shall be computed—

''(I) by substituting '1.39 percent' for '1.74 percent' in clause (ii);

''(II) by substituting '1.99 percent' for '2.34 percent' each place it appears in this subparagraph;

''(III) by substituting '1.99 percent' for '2.64 percent' in clause (iii); and

''(IV) by substituting '2.29 percent' for '2.64 percent' in clause (iv).''.

SA 2338. Mr. COLEMAN (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

In section 480(d)(1)(B) of the Higher Education Act of 1965 (as amended by section 604(2) of the Higher Education Access Act of 2007), insert ''when the individual was 13 years of age or older'' after ''or was in foster care''.

SA 2339. Mr. CORNYN (for himself and Mr. ENZI, Mr. GREGG, Mr. SMITH, Mr. SUNUNU, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT-BASED VISAS.

(a) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1994, 1996, 1997, 1998,'' after ''available in fiscal year'';

(B) by striking ''or 2004'' and inserting ''2004, or 2006''; and

(C) by striking ''be available'' and all that follows and inserting the following: ''be available only to—

''(A) employment-based immigrants under paragraphs (1), (2), and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

''(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act; and

''(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''1999 through 2004'' and inserting ''1994, 1996 through 1998, 2001 through 2004, and 2006''; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from fiscal years 1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

''(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor shall be 61,000.

''(II) The visas remaining from the total made available under subclause (I) shall be allocated equally among employment-based immigrants with approved petitions under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (and their family members accompanying or following to join).''.

(b) H–1B VISA AVAILABILITY.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) in clause (vi), by striking ''and'' at the end;

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) 65,000 in each of fiscal years 2004 through 2007;

''(viii) 115,000 in fiscal year 2008; and''.

SA 2340. Ms. COLLINS (for herself, Mr. KYL, Mr. LIEBERMAN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action to respond to such activity shall be immune from civil liability under Federal, State, and local law for such action.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term ''authorized official'' means—

(A) any employee or agent of a mass transportation system;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice;

(C) any Federal, State, or local law enforcement officer; or

(D) any transportation security officer.

(2) COVERED ACTIVITY.—The term ''covered activity'' means any suspicious transaction, activity, or occurrence indicating that an individual may be engaging, or preparing to engage, in—

(A) a violent act or act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be such a violation if committed within the jurisdiction of the United States or any State; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) that involves, or is directed against, a mass transportation system or vehicle or its passengers.

(3) MASS TRANSPORTATION.—The term ''mass transportation''—

(A) has the meaning given to that term in section 5302(a)(7) of title 49, United States Code; and

(B) includes—

(i) school bus, charter, or intercity bus transportation;

(ii) intercity passenger rail transportation;

(iii) sightseeing transportation;

(iv) a passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

(v) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(vi) air transportation as that term is defined in section 40102 of title 49, United States Code.

(4) MASS TRANSPORTATION SYSTEM.—The term ''mass transportation system'' means an entity or entities organized to provide mass transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term ''vehicle'' has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on November 20, 2006, and shall apply to all activities and claims occurring on or after such date.

SA 2341. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT EXTENSION OF CERTAIN EDUCATION-RELATED TAX INCENTIVES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title IV of such Act (relating to affordable education provisions).

SA 2342. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

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.''.

SA 2343. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

In the appropriate place insert the following:

SEC. ___. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States including laws related to Visa overstay in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ___. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

(d)

SA 2344. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the end, add the following:

TITLE IX—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

SEC. 901. SHORT TITLE.

This title may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2007''.

SEC. 902. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3001. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

''(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

''(B) subject to the availability of appropriations.

''(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) received repayment benefits under this section during the preceding fiscal year; and

''(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SA 2345. Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—DREAM ACT OF 2007

SEC. 501. SHORT TITLE.

This title may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. 502. DEFINITIONS.

In this title:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 503. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included

in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 504. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 505, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this title, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this title.

SEC. 505. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 506, an alien whose status has been adjusted under section 504 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 504(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 504(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in

section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 506. RETROACTIVE BENEFITS.

If, on the date of enactment of this title, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 504(a)(1) and section 505(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 504. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 505(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 505(d)(1) during the entire period of conditional residence.

SEC. 507. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 504(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 508. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 509. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title with a designated entity, that designated entity, to examine applications filed under this title.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 510. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 511. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 512. GAO REPORT.

Not later than seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 504(a);

(2) the number of aliens who applied for adjustment of status under section 504(a);

(3) the number of aliens who were granted adjustment of status under section 504(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 505.

SA 2346. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end of title VIII of the Higher Education Access Act of 2007, insert the following:

SEC. 802. COLLEGE TEXTBOOK AVAILABILITY.

(a) PURPOSE AND INTENT.—The purpose of this section is to ensure that every student in higher education is offered better and more timely access to affordable course materials by educating and informing faculty, students, administrators, institutions of higher education, bookstores, and publishers on all aspects of the selection, purchase, sale, and use of the course materials. It is the intent of this section to have all involved parties work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while protecting the academic freedom of faculty members to provide high quality course materials for students.

(b) DEFINITIONS.—In this section:

(1) COLLEGE TEXTBOOK.—The term ''college textbook'' means a textbook, or a set of textbooks, used for a course in postsecondary education at an institution of higher education.

(2) COURSE SCHEDULE.—The term ''course schedule'' means a listing of the courses or classes offered by an institution of higher education for an academic period.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) PUBLISHER.—The term ''publisher'' means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

(5) SUPPLEMENTAL MATERIAL.—The term ''supplemental material'' means educational material published or produced to accompany a college textbook.

(c) PUBLISHER REQUIREMENTS.—

(1) COLLEGE TEXTBOOK PRICING INFORMATION.—When a publisher provides a faculty member of an institution of higher education with information regarding a college textbook or supplemental material available in the subject area in which the faculty member teaches, the publisher shall include, with any such information and in writing, the following:

(A) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

(B) Any history of revisions for the college textbook or supplemental material.

(C) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

(2) UNBUNDLING OF SUPPLEMENTAL MATERIALS.—A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundled item shall also sell the college textbook and each supplemental material as separate and unbundled items.

(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.—

(1) INTERNET COURSE SCHEDULES.—Each institution of higher education that receives Federal assistance and that publishes the institution's course schedule for the subsequent academic period on the Internet shall—

(A) include in the course schedule, for each college textbook or supplemental material required or recommended for a course or class listed on the course schedule—

(i) the International Standard Book Number (ISBN) for the college textbook or supplemental material; or

(ii) the title and author of the college textbook or supplemental material; and

(B) update the information required under subparagraph (A) as necessary.

(2) WRITTEN COURSE SCHEDULES.—In the case of an institution of higher education that receives Federal assistance and that does not publish the institution's course schedule for the subsequent academic period on the Internet, the institution of higher education shall include the information required under paragraph (1)(A) in any printed version of the institution's course schedule and shall provide students with updates to such information as necessary.

(e) AVAILABILITY OF INFORMATION FOR COLLEGE TEXTBOOK SELLERS.—An institution of higher education that receives Federal assistance shall make available, as soon as is practicable, upon the request of any seller of college textbooks (other than a publisher) that meets the requirements established by the institution, the most accurate information available regarding—

(1) the institution's course schedule for the subsequent academic period; and

(2) for each course or class offered by the institution for the subsequent academic period—

(A) for each college textbook or supplemental material required or recommended for such course or class—

(i) the International Standard Book Number (ISBN) for the college textbook or supplemental material; or

(ii) the title and author of the college textbook or supplemental material;

(B) the number of students enrolled in such course or class; and

(C) the maximum student enrollment for such course or class.

SA 2347. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISCHARGE IN BANKRUPTCY FOR CERTAIN STUDENT LOANS.

(a) IN GENERAL.—Section 523(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking clause (i) and inserting the following:

''(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend; or''; and

(2) in subparagraph (B), by inserting before the semicolon at the end '', unless such qualified educational loan first became due more than 5 years, excluding any deferment of the repayment period while the borrower is attending an institution of higher education, as that term is defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), before the date of the filing of the petition''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only with respect to obligations described in section 523(a)(8) of title 11, United States Code, as amended by this section, that are entered into on or after the date of enactment of this Act.

SA 2348. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2339 submitted by Mr. CORNYN (for himself, Mr. ENZI, Mr. GREGG, Mr. SMITH, Mr. SUNUNU, Mr. COLEMAN, and Mr. VOINOVICH) to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—IMMIGRATION FRAUD PREVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

SEC. 502. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's city, State and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description;

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect for applications filed at least 30 days after the creation of the list described in paragraph (2).

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. 503. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 502(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information

contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. 504. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants under section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that

employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 505. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 504, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 506. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 2349. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end of title III of the Higher Education Access Act of 2007, add the following:

SEC. 3_____. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

(a) IN GENERAL.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K the following:

''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SA 2350. Mrs. DOLE (for herself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. IDENTIFICATION REQUIREMENT.

(a) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(A) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(B) by inserting after section 303 the following new section:

''SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(B) The table of contents of the Help America Vote Act of 2002 is amended—

(i) by redesignating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively; and

(ii) by inserting after the item relating to section 303 the following new item:

''Sec. 304. Identification of voters at the polls.''.

(b) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

''PART 7—PHOTO IDENTIFICATION

''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements under section 304.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements under section 304; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements under such section.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements under section 304.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as may be necessary for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

''PART 7—PHOTO IDENTIFICATION

''Sec. 297. Payments for free photo identification.

''Sec. 298. Authorization of appropriations.''.

SA 2351. Mr. MCCONNELL proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON THE DETAINEES AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) During the War on Terror, senior members of al Qaeda have been captured by the United States military and intelligence personnel and their allies.

(2) Many such senior members of al Qaeda have since been transferred to the detention facility at Guantanamo Bay, Cuba.

(3) These senior al Qaeda members detained at Guantanamo Bay include Khalid Sheikh Mohammed, who was the mastermind behind the terrorist attacks of September 11, 2001, which killed approximately 3,000 innocent people.

(4) These senior al Qaeda members detained at Guantanamo Bay also include Majid Khan, who was tasked to develop plans to poison water reservoirs inside the United States, was responsible for conducting a study on the feasibility of a potential gas station bombing campaign inside the United States, and was integral in recommending Iyman Farris, who plotted to destroy the Brooklyn Bridge, to be an operative for al Qaeda inside the United States.

(5) These senior al Qaeda members detained at Guantanamo Bay also include Abd al-Rahim al-Nashiri, who was an al Qaeda operations chief for the Arabian Peninsula and who, at the request of Osama bin Laden, orchestrated the attack on the U.S.S. Cole, which killed 17 United States sailors.

(6) These senior al Qaeda members detained at Guantanamo Bay also include Ahmed Khalfan Ghailani, who played a major role in the East African Embassy Bombings, which killed more than 250 people.

(7) The Department of Defense has estimated that of the approximately 415 detainees who have been released or transferred from the detention facility at Guantanamo Bay, at least 29 have subsequently taken up arms against the United States and its allies.

(8) Osama bin Laden, the leader of al Qaeda, said in his 1998 fatwa against the United States, that ''[t]he ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it''.

(9) In the same fatwa, bin Laden said, ''[w]e—with God's help—call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it''.

(10) It is safer for American citizens if captured members of al Qaeda and other terrorist organizations are not housed on American soil where they could more easily carry out their mission to kill innocent civilians.

(b) SENSE OF SENATE.—It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al Qaeda, should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods.

SA 2352. Mr. DEMINT proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

TITLE ___—SECRET BALLOT PROTECTION

SEC. _01. SHORT TITLE.

This title may be cited as the ''Secret Ballot Protection Act of 2007''.

SEC. _02. FINDINGS.

Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. _03. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: ''or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(c) SECRET BALLOT ELECTION.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(1) by striking ''Representatives'' and inserting ''(1) Representatives'';

(2) by inserting after ''designated or selected'' the following: ''by a secret ballot election conducted by the National Labor Relations Board in accordance with this section''; and

(3) by adding at the end the following:

''(2) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Secret Ballot Protection Act of 2007.''.

SEC. _04. REGULATIONS AND AUTHORITY.

(a) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this title.

(b) AUTHORITY.—Nothing in this title (or the amendments made by this title) shall be construed to limit or otherwise diminish the remedial authority of the National Labor Relations Board.

SA 2353. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. _. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

''For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2007, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended to read as follows:

''(c) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

''(B) the tentative minimum tax for the taxable year.

''(2) TAXABLE YEARS BEGINNING AFTER 2007.—In the case of any taxable year beginning after 2007, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 2354. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end of title VIII of the Higher Education Access Act of 2007, add the following:

SEC. 802. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (26 U.S.C. 1 note) (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303 (relating to marriage penalty relief) of such Act (26 U.S.C. 1 note, 32) .

SA 2355. Mr. ENSIGN proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Higher Education Access Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Higher Education

Access Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Higher Education Access Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

SA 2356. Mr. SALAZAR proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place insert the following:

Since I. Lewis ''Scooter'' Libby previously served as Chief of Staff to Vice President Dick Cheney;

Since Mr. Libby was convicted in Federal court of perjury and obstruction of justice in connection with efforts by the Bush White House to conceal the fact that Administration officials leaked the name of a covert CIA agent in order to discredit her husband, a critic of the Iraq War;

Since U.S. District Court Judge Reggie Walton sentenced Mr. Libby to 30 months in prison to reflect the seriousness of the offense, the sensitivity of the national security information involved in Libby's crime, and the abuse of Mr. Libby's position of trust in the United States government;

Since President Bush chose to commute Mr. Libby's prison sentence in its entirety, thereby entitling Libby to evade serious punishment for his criminal conduct;

Since President Bush has refused to rule out the possibility that he will eventually issue a full pardon to Mr. Libby with respect to his criminal conviction;

Now therefore be it determined, that it is the Sense of the Senate that President Bush should not issue a pardon to I. Lewis ''Scooter'' Libby.

SA 2357. Mr. MCCONNELL proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Deploring the actions of former President William Jefferson Clinton regarding his granting of clemency to terrorists, to family members, donors, and individuals represented by family members, to public officials of his own political party, and to officials who violated laws protecting United States intelligence, and concluding that such actions by former President Clinton were inappropriate.

Since the Armed Forces of National Liberation (the FALN) is a terrorist organization that claims responsibility for the bombings of approximately 130 civilian, political, and military sites throughout the United States, and whereas, on August 11, 1999, President Clinton commuted the sentences of 16 terrorists, all of whom were members of the FALN, and whereas this action was taken counter to the recommendation of the Federal Bureau of Investigation, the Federal Bureau of Prisons, and two United States Attorneys;

Since, on January 20, 2001, former President Clinton commuted the sentence of Susan L. Rosenberg, a former member of the Weather Underground Organization terrorist group whose mission included the violent overthrow of the United States Government, who was charged in a robbery that left a security guard and 2 police officers dead;

Since, on January 20, 2001, former President Clinton commuted the sentence of Linda Sue Evans, a former member of the Weather Underground Organization terrorist group, who made false statements and used false identification to illegally purchase firearms that were then used by Susan L. Rosenberg in a robbery that left a security guard and 2 police officers dead;

Since, on January 20, 2001, former President Clinton pardoned Patricia Hearst Shaw, a former member of the Symbionese Liberation Army, a domestic terrorist group which also advocated the violent overthrow of the United States, and that carried out violent attacks in the United States;

Since, on January 20, 2001, former President Clinton pardoned his half-brother Roger Clinton, who had been convicted of conspiracy to distribute cocaine and of distribution of cocaine;

Since, on March 15, 2000, former President Clinton pardoned Edgar and Vonna Jo Gregory, who had been convicted of conspiracy to willfully misapply bank funds and to make false statements and who, according to news reports, were represented by the former President's brother-in-law, Tony Rodham;

Since, on January 20, 2001, former President Clinton commuted the sentence of Carlos Vignali, a convicted cocaine trafficker who, according to news reports, was represented by the former President's brother-in-law, Hugh Rodham;

Since, on January 20, 2001, former President Clinton pardoned Almon Glenn Braswell, an individual convicted of money laundering and tax evasion, who according to news reports, was represented by former President's brother-in-law, Hugh Rodham;

Since, on December 22, 2000, former President Clinton pardoned former Democratic Representative Dan Rostenkowski, who had been convicted of mail fraud;

Since, on January 20, 2001, former President Clinton commuted the sentence of convicted sex offender and former Democratic Representative Mel Reynolds, who had been found guilty of bank fraud, wire fraud, making false statements to a financial institution, conspiracy to defraud the Federal Elections Commission, and making false statements to a Federal official;

Since, on January 20, 2001, former President Clinton pardoned his former Secretary of Housing and Urban Development Henry Cisneros, who had been convicted of making false statements about payments to his mistress;

Since, on January 20, 2001, former President Clinton pardoned Susan McDougal, who had been a key figure in the Whitewater investigation and who had been convicted of aiding and abetting, in making false statements, and who refused to testify against the former President in the investigation;

Since, on January 20, 2001, former President Clinton pardoned Christopher Wade, who was a real estate salesmen involved in the Whitewater matter;

Since, on January 20, 2001, former President Clinton pardoned his former Director of Central Intelligence John Deutch for his mishandling of national security secrets; and

Since, on January 20, 2001, former President Clinton pardoned Samuel Loring Morison, a former Navy intelligence analyst who was convicted on espionage charges: Now, therefore, be it determined that it is the sense of the Senate that

(1) former President Clinton's granting of clemency to 16 FALN terrorists, two former members of the Weather Underground Organization, and a former member of the Symbionese Liberation Army was inappropriate;

(2) former President Clinton's granting of clemency to individuals either in his family or represented by family members was inappropriate;

(3) former President Clinton's granting of clemency to public figures from his own political party was inappropriate;

(4) former President Clinton's pardons of individuals involved with the Whitewater investigation, a matter in which the former First Family was centrally involved, was inappropriate; and

(5) former President Clinton's pardons of individuals who have jeopardized intelligence gathering and operations was inappropriate.

SA 2358. Ms. STABENOW proposed an amendment to amendment SA 2355 proposed by Mr. ENSIGN to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike all after line 1, page 1 and insert the following:

SEC. ____. PROHIBITION ON ILLEGAL ALIENS QUALIFYING FOR SOCIAL SECURITY BENEFITS AND PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) PROHIBITION ON ILLEGAL ALIENS QUALIFYING FOR SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Nothing in this Act, or the amendments made by this Act, shall be construed to modify any provision of current law that prohibits illegal aliens from qualifying for Social Security benefits.

(2) ENFORCEMENT.—The Attorney General shall ensure that the prohibition on the receipt of Social Security by illegal aliens is strictly enforced.

(b) PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.—

(1) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following new subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of this Act, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a United States citizen if the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was not authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of this Act the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of cover under subsection, (d), however, this provision shall not be construed to establish an effective date for purposes of this section.''.

(2) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 4159e)) is amended —

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''and''; and

(C) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of this Act, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as of the date of enactment of this Act.

SA 2359. Mr. COLEMAN proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the end, add the following:

SEC. _____. INNOCENT CHILD PROTECTION.

(a) IN GENERAL.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States, to carry out a sentence of death on a woman while she carries a child in utero.

(b) DEFINITION.—In this section, the term ''child in utero'' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

SA 2360. Mr. GRAHAM proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike section 701 of the Higher Education Access Act of 2007, relating to student eligibility.

SA 2361. Mr. SCHUMER proposed an amendment to amendment SA 2341 submitted by Mr. SUNUNU to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

In the amendment strike all after the first word and insert the following:

It is the sense of the Senate that Congress should provide tax relief to help families afford the cost of higher education, including making tuition deductible against taxes, and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a ''blue slip'' by the House.

SA 2362. Mr. DEMINT proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).''.

SA 2363. Ms. LANDRIEU proposed an amendment to amendment SA 2362 proposed by Mr. DEMINT to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike all after the first word and insert:

It is the sense of the Senate that Congress should permanently extend the adoption tax credit and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a ''blue slip'' by the House.

SA 2364. Mr. KERRY proposed an amendment to amendment SA 2353 submitted by Mr. KYL to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike all after the first word and insert:

It is the sense of the Senate that Congress should provide relief from the Alternative Minimum Tax to prevent the expansion of the AMT to nearly 23 million taxpayers in 2007 and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a ''blue slip'' by the House.

NOTICE OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on August 2, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1253, a bill to establish a fund for the National Park Centennial Challenge, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by e-mail to, rachel__pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on July 26, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities; S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural

Resources, U.S. Senate, Washington, DC 20510–6150, or by e-mail to Gina__Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2007, at 9:30 a.m., to conduct a vote on the nominations of the Honorable Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States; Ms. Diane G. Farrell, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States; Mr. William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation; Mr. William S. Jasien, of Virginia, to be a Director of the Securities Investor Protection Corporation; and Mr. Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation. Immediately following the vote, the Committee will conduct a hearing on ''The Semiannual Monetary Policy Report to the Congress.''

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2007, immediately following the first rollcall vote at 12 p.m., to conduct a vote on the nominations of the Honorable Bijan Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Ms. Diane G. Farrell, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States; Mr. William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation; Mr. William S. Jaisen, of Virginia, to be a Director of the Securities Investor Protection Corporation; and Mr. Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Thursday, July 19, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following bills: S. 1492, S. 1769, S. 1780, S. 1582, S. 1771, S. 1778, and to consider nominations for promotion in the United States Coast Guard (PN 609 and PN 610).

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, July 19, 2007, at 9:45 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on S. 1634, a bill to implement further the act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 19, 2007, at 2:15 p.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Aviation Financing: Industry Perspectives.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 19, 2007, at 10:30 a.m. to hold a hearing on Iraq.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, July 19, 2007, at 10:30 a.m. in order to conduct a hearing entitled ''The Military's Role in Disaster Response: Progress Since Hurricane Katrina.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, July 19, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending business, to be followed immediately by a hearing on discussion draft legislation to amend and reauthorize the Native American Housing Assistance and Self-Determination Act.

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

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 19, 2007, at 10 a.m. in Dirksen room 226.

Agenda

I. Bills: S. 1145, Patent Reform Act of 2007 (Leahy, Hatch, Schumer, Cornyn, Whitehouse), S. __, School Safety and Law Enforcement Improvements Act (Chairman's mark); S. 1060, Recidivism Reduction & Second Chance Act of 2007 (Biden, Specter, Brownback, Leahy, Kennedy, Schumer, Whitehouse, Durbin).

II. Nominations: William Lindsay Osteen, Jr. to be United States District Judge for the Middle District of North Carolina; Martin Karl Reidinger to be United States District Judge for the Western District of North Carolina; Timothy D. DeGiusti to be United States District Judge for the Western District of Oklahoma; Janis Lynn Sammartino to be United States District Judge for the Southern District of California; Roslynn Renee Mauskopf to be United States District Judge for the Eastern District of New York; Joe W. Stecher to be United States Attorney for the District of Nebraska; and Rosa Emilia Rodriguez-Velez to be United States Attorney for the District of Puerto Rico.

III. Resolutions: S. Res. 248, Honoring the life and achievements of Dame Lois Browne Evans (Brown); S. Res. 236, Supporting the goals and ideals of the National Anthem Project (Bayh, Craig, Kennedy, Cardin, Durbin); S. Res. 261, Honoring the educational contributions of Donald Jeffrey Herbert, ''Mr. Wizard'' (Coleman, Klobuchar, Feingold, Durbin).

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

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled ''Judicial Nominations'' on Thursday, July 19, 2007, at 2:45 p.m. in Dirksen Senate Office Building room 226.

Witness list

Panel I: The Honorable Thad Cochran, United States Senator [R-MS]; The Honorable Trent Lott, United States Senator [R-MS]; The Honorable Patty Murray, United States Senator [D-WA]; The Honorable Kay Bailey Hutchison, United States Senator [R-TX]; and The Honorable John Cornyn, United States Senator [R-TX].

Panel II: Jennifer Walker Elrod to be United States Circuit Judge for the Fifth Circuit.

Panel III: Richard A. Jones to be United States District Judge for the Western District of Washington; Sharion Aycock to be United States

District Judge for the Northern District of Mississippi.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 19, 2007 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, July 19, 2007, at 2:30 p.m. in order to conduct a hearing entitled, Great Expectations: Assessment, Assurances, and Accountability of the Mayor's Proposal to Reform the District of Columbia Public School System.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Daniel Valenti, Allie Weeda, Rebecca Anderson, and Robyn Chavez be granted the privilege of the floor for the pendency of H.R. 2669, the Higher Education Act.

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

Mr. HARKIN. Mr. President, on behalf of myself, I ask unanimous consent that Kristin Anderson and Evan Jurkovich of my staff be granted the privilege of the floor for the duration of today's session.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2638

Mr. REID. Madam President, I ask unanimous consent that on Tuesday, July 24, upon the disposition of S. 1642, the Senate proceed to the consideration of H.R. 2638, the Homeland Security Appropriations Act.

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

Mr. REID. I now ask unanimous consent that the cloture motion be withdrawn.

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

MEASURE READ THE FIRST TIME—H.R. 980

Mr. REID. Madam President, I understand that H.R. 980 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Mr. REID. Madam President, I ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council for the 110th Congress: The Honorable RUSSELL D. FEINGOLD of Wisconsin (reappointment); The Honorable FRANK R. LAUTENBERG of New Jersey (reappointment); and The Honorable BERNARD SANDERS of Vermont (reappointment).

ORDERS FOR FRIDAY, JULY 20, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Friday, July 20; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders reserved for their use later in the day; and there then be a period of morning business, with Senators permitted to speak therein for up to 15 minutes each; that during morning business, Senator DORGAN be recognized for up to 30 minutes.

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

CORRECTION TO JOURNAL OF PROCEEDINGS

Mr. REID. Madam President, I ask unanimous consent that the Journal of proceedings be corrected to conform to the earlier agreement to vitiate the vote relative to amendment No. 2356.

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

ADJOURNMENT TO FRIDAY, JULY 20, 2007, AT 10 A.M.

Mr. REID. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:52 a.m., adjourned until, Friday, July 20, 2007, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate July 19, 2007:

DEPARTMENT OF STATE

DAVID T. JOHNSON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE ANNE W. PATTERSON.